

To: Mia, Marcia[Mia.Marcia@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Chapman, Apple[Chapman.Apple@epa.gov]; Witosky, Matthew[Witosky.Matthew@epa.gov]; Patel, Shilpa[patel.shilpa@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Adeduro, Kingsley[Adeduro.Kingsley@epa.gov]; Ash, Christine[Ash.Christine@epa.gov]; augustine, bruce[augustine.bruce@epa.gov]; Beeler, Cindy[Beeler.Cindy@epa.gov]; Cheever, Robert[cheever.robert@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]; Hoyt, Daniel[Hoyt.Daniel@epa.gov]; Johnson, Steffan[johnson.steffan@epa.gov]; Kenney, James[Kenney.James@epa.gov]; Kler, Denis[Kler.Denis@epa.gov]; Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Magyar, Raymond[Magyar.Raymond@epa.gov]; Ostrand, Laurie[Ostrand.Laurie@epa.gov]; Smith, Donald-M[Smith.Donald-M@epa.gov]; Tate, Samuel[Tates.Samuel@epa.gov]; Topinka, Natalie[topinka.natalie@epa.gov]; Vyas, Himanshu[vyas.himanshu@epa.gov]; Willard, Erin[Willard.ErinM@epa.gov]; Smith, Claudia[Smith.Claudia@epa.gov]; Kaleri, Cynthia[kaleri.cynthia@epa.gov]; Lindsey, William[Lindsey.William@epa.gov]; Vazquez, Natalia[Vazquez.Natalia@epa.gov]; Hambrick, Amy[Hambrick.Amy@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]; Howard, Jodi[Howard.Jodi@epa.gov]; Carey, Angela[carey.angela@epa.gov]; Witt, Jon[Witt.Jon@epa.gov]; Shine, Brenda[Shine.Brenda@epa.gov]; Buening, Hans[Buening.Hans@epa.gov]; Garing, Ken[Garing.Ken@epa.gov]; Loukeris, Constantinos[loukeris.constantinos@epa.gov]; Marsh, Karen[Marsh.Karen@epa.gov]; Pavitt, John[Pavitt.John@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]
From: North, Alexis
Sent: Wed 1/18/2017 7:36:18 PM
Subject: FW: Dominion --- Wet Seal Interpretation
[Wet seal degassing system.pdf](#)

For today's call...

Alexis North, Environmental Scientist

Office of Enforcement, Compliance & Environmental Justice

EPA Region 8

1595 Wynkoop Street (8ENF-AT)

Denver, CO 80202-1129

Phone: (303) 312-7005

Email: north.alexis@epa.gov

From: Mia, Marcia

Sent: Wednesday, January 18, 2017 10:56 AM

To: North, Alexis <North.Alexis@epa.gov>

Subject: FW: Dominion --- Wet Seal Interpretation

Can you pls forward to the OOOO team for this afternoon's call. Thanks.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Kler, Denis

Sent: Wednesday, January 18, 2017 8:42 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Attached is a document on wet seal degassing recovery system for centrifugal compressors for the EPA Natural Gas Star website.

Denis B. Kler

U.S. EPA Region 4

APTMD/AETB/North Air Enforcement and Toxics Section

Work: 404.562.9199

Fax: 404.562.9163

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From: Mia, Marcia
Sent: Wednesday, January 11, 2017 10:14 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Also, I went to the White Papers. Interesting statements in there:

Route to Control

“The *removed* gas is either combusted, released to the atmosphere, or captured and routed to a process. The emission reduction technique investigated in this section is the use of wet seals with the removed gas sent to an enclosed flare.” – This would seem to imply that the gas which remains in the lube oil and which is released in the storage tank is not required to be controlled. (see pdf page 43).

Also regarding capture of “removed gas” for flaring – “A flare typically achieves 95% reduction of these compounds when operated according to the manufacturer instructions. For this analysis, it was assumed that 100% of the entrained gas from the seal oil that is removed in the degassing process would be directed to a flare that achieves 95% reduction of organic compounds.” – This supports the 100% CVS capture requirements when routing to a control device. (pdf page 43)

-

Route to Process

see pdf page 44-45

“Based on comments received during development of subpart OOOO, in some cases gas may be routed back to the compressor suction or fuel system.” And “The emissions reductions for wet seal centrifugal compressors in the processing sector and transmission and storage sectors are summarized in Table 4-7 using 95% control efficiency for the capture system.” The title of the

Table is “Wet Seal Centrifugal Compressor Emission Reductions at 95% Capture and Control”

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia

Sent: Tuesday, January 10, 2017 3:47 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Sure. That would be great. We should have a call with the source too in order to fully understand. I added Denis to the loop.

This is what they say they do:

In the region where the seal oil and buffer media mix, the buffer media, which is natural gas, migrates into the seal oil when under pressure. The migration rate and quantity is a function of gas

composition and pressure. The oil/ gas mixture flows into the trap. *Once in the trap, the majority of the gas*

will be sent to the compressor suction. Some gas will remain in the seal oil and will be drained

to the

degaussing flue and lube oil tank. In the flue and lube oil tank the remaining gas is vented to atmosphere.

Ex. 5 - Deliberative Process

Ex. 4 - CBI

Ex. 4 - CBI

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Tuesday, January 10, 2017 1:26 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

So the CVS requirements are 100% capture, but then the process only has to be 95% efficient. Does it sound like they are using a CVS to you? It might help to get an engineer to weigh in on this... I'm not sure how useful I am here.

From: Mia, Marcia
Sent: Tuesday, January 10, 2017 12:43 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

I guess I hadn't read the incoming before. I should know better by now. So..this is a little more complicated – it looks like they aren't meeting the capture requirement – they get 95% capture. The requirement is for 100% capture.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, January 10, 2017 11:29 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: FW: Dominion --- Wet Seal Interpretation

Marcia – I was hoping you could take a quick look at this too. I think your recommendation from November stands, and this is a regional issue. Should I tell Dominion to formally submit this to Region 4?

I haven't yet heard back from Denis on this issue.

Thanks,

Lisa

From: Thompson, Lisa

Sent: Thursday, January 05, 2017 3:43 PM
To: Kler, Denis <Kler.Denis@epa.gov>
Subject: Dominion --- Wet Seal Interpretation

Hi Denis –

Please see Dominion's official letter, along with the string of emails below. We briefly discussed this before the holidays, but to summarize: Dominion is building a OOOOa affected compressor, and planning to comply with the 95% reduction requirement by routing compressor emissions to a process.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Do you agree with my interpretation, and what would the next steps be on your end?

Thanks!

Lisa

From: Mia, Marcia
Sent: Tuesday, November 22, 2016 1:32 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>
Subject: RE: Wet Seal Interpretation

Ex. 5 - Deliberative Process

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

2. Denis Kler in Region 4 is a good start

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

-----Original Message-----

From: Thompson, Lisa

Sent: Tuesday, November 22, 2016 12:10 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: FW: Wet Seal Interpretation

Marcia -- two quick questions:

1) Does Dominion need to submit a full AD to route their compressor to a VRU? I thought that was always considered a process for the sake of OOOO/OOOOa

2) Do you have an Oil and Gas contact in R4?

Thanks,

Lisa

-----Original Message-----

From: Lisa S Beal (Services - 6) [<mailto:Lisa.S.Beal@dom.com>]

Sent: Tuesday, November 22, 2016 10:57 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Howard, Jodi <Howard.Jodi@epa.gov>

Subject: FW: Wet Seal Interpretation

Hi Lisa -

I sent this message to Jodi Howard last week but I'm now wondering if I should have addressed it to you. We would like to submit an applicability determination request regarding the use of a vapor recovery system as a control system for OOOOa compliance purposes.

Before submitting the letter I'd like to verify the format and process to. Can you address my below questions?

Thank you in advance,

Lisa

Lisa S. Beal

Dominion Resources Services, Inc.

(O) - (804) 273-4608

(M) - (804)489-4046

Tie 8- 730-4608

-----Original Message-----

From: Lisa S Beal (Services - 6)

Sent: Friday, November 18, 2016 5:50 AM

To: jodi Howard

Cc: Anand Yegnan (Services - 6); Alice G Prior (Services - 6)

Subject: Wet Seal Interpretation

Hello Jodi

When Dominion met with EPA last Spring, we briefly discussed how a wet seal compressor configuration might be addressed under the NSPS OOOOa rules. Specifically, we sought clarification whether a vapor recovery system associated with the compressor is considered to "route to a process" if the system recycles more than 95 percent of the gas.

EPA seemed receptive to the idea but we both agreed that further data was needed before we ask for an official determination. Dominion has prepared the supporting data and I want to make sure I understand the process of submitting a formal request.

First, whom should I address the letter to? Would it be Bruce Moore or you? Also, who should I copy? The proposed configuration would be placed along our Dominion Carolina Gas system

in Moore, South Carolina. Should the Regional office and state be copied?

Second, is there a specific format which we should follow? We are preparing a letter outlining the issue including emissions data from the manufacturer to support the proposed compliance option. Is there additional information we should include? How much detail about the unit is needed?

Finally, is this something we should have a face to face meeting about and if so, would it be possible to put a tentative date on the calendar now. As you might imagine, we are anxious to resolve this issue so we can plan accordingly for compliance. Ideally, this would be addressed by the end of the year but I know things can get bogged down with the holidays. This is an important issue for us and we are more than happy to meet at your convenience.

Thank you in advance Jodi. I'm out of the office today but please feel free to call me on my mobile if you want to discuss further.

Lisa Beal

804-489-4046

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From: Hambrick, Amy

Location: RTP-D201-Max40/RTP-Bldg-D

Ex. 6 - Personal Privacy

Line/RTP-OAQPS-BLDG-C

Importance: Normal

Subject: CONFIRMED: meeting with Theresa Pugh Consulting (D201/ X4332)

Start Date/Time: Wed 9/20/2017 5:00:00 PM

End Date/Time: Wed 9/20/2017 6:00:00 PM

EPA gas-electric Sept 2017 presentation

Added presentation in email attached for those who will be calling in.

Discussion: interface between electric utilities and natural gas storage

From: Thompson, Lisa
Location: Call-in: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Dominion Wet Seal Compressor
Start Date/Time: Tue 1/17/2017 6:00:00 PM
End Date/Time: Tue 1/17/2017 6:30:00 PM
RE: Dominion --- Wet Seal Interpretation

New time per R4.

Quick internal touch base before we meet with Dominion.

To: Patty Centofanti[PCentofanti@trinityconsultants.com]; Mia, Marcia[Mia.Marcia@epa.gov]; Hambrick, Amy[Hambrick.Amy@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]
From: Marsh, Karen
Sent: Thur 10/26/2017 6:46:38 PM
Subject: RE: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)
[A039.pdf](#)
[CO05.pdf](#)

Hi Patty,

Thanks for your additional questions. I think for this particular case you should reach out to the delegated authority to discuss the specifics of the PO and any contractual obligation. I've attached 2 documents for NSPS that might provide some background for any discussions you have related to the contractual agreement.

Let me know if you have any additional questions.

Karen

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Patty Centofanti [mailto:PCentofanti@trinityconsultants.com]

Sent: Monday, October 16, 2017 12:55 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)

Hi Karen,

Had one more question for the team on OOOOa applicability related to the “Compressor Station LDAR” of 60.5397a.... The rule applies to ‘Affected Facilities’ that commence construction, modification or reconstruction after September 18, 2015. For 60.5397a, the Affected Facility is the collection of fugitive emissions components at a compressor station. When the compressors of a greenfield compressor station are not affected facilities, is it possible for the compressor station itself to be an affected facility?

For example:

- Greenfield compressor station
- PO dates for all compression units are prior to 9/18/15 (and the units were purchased specifically for that particular project)
- Air permit was obtained after 9/18/15, and subsequently on-site construction was after 9/18/15.

Is the compressor PO date sufficient to demonstrate the owner/operator entered into “contractual obligations” (i.e., making the station not subject to NSPS OOOOa Compressor Station LDAR).

Thanks for your time to evaluate.

Commenced means, with respect to the definition of *new source* in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

Construction means fabrication, erection, or installation of an affected facility.

Fugitive emissions component means any component that has the potential to emit fugitive emissions of methane or VOC at a well site or compressor station, including but not limited to valves, connectors, pressure relief devices, open-ended lines, flanges, covers and closed vent systems not subject to §60.5411a, thief hatches or other openings on a controlled storage vessel not subject to §60.5395a, compressors, instruments, and meters. Devices that vent as part of normal operations, such as natural gas-driven pneumatic controllers or natural gas-driven pumps, are not fugitive emissions components, insofar as the natural gas discharged from the device's vent is not considered a fugitive emission. Emissions originating from other than the vent, such as the thief hatch on a controlled storage vessel, would be considered fugitive emissions.

Patty Centofanti

Trinity – Pittsburgh Office

Cell: 412-538-8038

From: Marsh, Karen [<mailto:Marsh.Karen@epa.gov>]

Sent: Wednesday, August 23, 2017 4:10 PM

To: Patty Centofanti; Mia, Marcia; Hambrick, Amy; Thompson, Lisa

Subject: RE: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)

Patty,

We wanted to provide you some guidance on your compressor station modification question, as related to fugitive monitoring. Specifically, it appears that you are asking about changes to an existing compressor that would increase the horsepower, without actually replacing the compressor as a whole. As you are aware, in 60.5365a(j), it states that when one or more compressors is added or replaced such that the total horsepower of the compressor drivers at an existing compressor station is increased, modification of the compressor station is triggered, and the fugitive emissions requirements in §60.5397a of subpart OOOOa would then apply. This horsepower increase triggers a modification, regardless of whether the compressors are driven by electric motors, combustion turbines, or reciprocating internal combustion engines. We would

also consider a change to an existing compressor which increases the horsepower of the compressor to be a “replacement” of the existing compressor with one of greater horsepower.

Again, this is provided for guidance purposes only. If you needed a formal determination, please reach out to the appropriate regional contact.

Thanks,

Karen

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Patty Centofanti [<mailto:PCentofanti@trinityconsultants.com>]

Sent: Wednesday, July 26, 2017 12:05 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; marsh.karen@epa.gov

Subject: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)

Thanks to all for your time to discuss OOOOa this morning. I'm sending the first of two emails related to the items discussed on our call today. Appreciate your review and comments on my notes.

This scenario relates to an existing “compressor” (pre-NSPS). The compressor itself is not being replaced; however, the compressor “driver” will be replaced. The new compressor “driver” could be gas-fired or electric, and may have a HP rating greater than the HP rating of the existing compressor “driver”. Based on the rule and RTC citations below, I believe the driver replacement does not trigger a “modification” to a compressor station with regard to 40 CFR 60.5365a(j) and 60.5397a. Would appreciate confirmation of that interpretation.

40 CFR 60.5365a

(j) The collection of fugitive emissions components at a compressor station, as defined in §60.5430a, is an affected facility. For purposes of §60.5397a, a “modification” to a compressor station occurs when:

(1) An additional compressor is installed at a compressor station; or

(2) One or more compressors at a compressor station is replaced by one or more compressors of greater total horsepower than the compressor(s) being replaced. When one or more compressors is replaced by one or more compressors of an equal or smaller total horsepower than the compressor(s) being replaced, installation of the replacement compressor(s) does not trigger a modification of the compressor station for purposes of §60.5397a.

Page 4-227 of the attached RTC:

... “For compressor stations, we agree with some aspects of the issues raised by the commenter and have made the following revisions to the modification requirements in the final rule. We agree that an increase in the compression capacity that is not due to the addition of a compressor that would result in an increase of the overall design capacity of the compressor station is not a modification. We have also clarified that the installation of a compressor will only trigger the fugitive monitoring requirements if it is installed as an additional compressor or if it is a replacement that is of greater horsepower than the compressor or compressors that it is replacing.” ...

Thanks,

Patty Centofanti

Senior Consultant

Trinity Consultants

4500 Brooktree Road, Suite 103 | Wexford, PA 15090

Cell: **412-538-8038**

Pittsburgh Office: **724-935-2611 x110**

Email: pcentofanti@trinityconsultants.com

From: Hambrick, Amy
Location: RTP-D201-Max40/RTP-Bldg-D; RTP-OAQPS-919-541-4332-SPPD/Phone-Line/RTP-OAQPS-BLDG-C
Importance: Normal
Subject: CONFIRMED: meeting with Theresa Pugh Consulting (D201/ X4332)
Start Date/Time: Wed 9/20/2017 5:00:00 PM
End Date/Time: Wed 9/20/2017 6:00:00 PM
EPA gas-electric Sept 2017 presentation

Added presentation in email attached for those who will be calling in.

Discussion: interface between electric utilities and natural gas storage

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Wed 2/1/2017 8:51:18 PM
Subject: RE: Dominion --- Wet Seal Interpretation

I'll set something up for Monday – thanks!

From: Mia, Marcia
Sent: Wednesday, February 01, 2017 3:16 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

No, I am running out of my day. I can call her Monday – want to set something up? You could give her a heads up tomorrow if you don't want to wait another week before contacting?

I had rather us both be on...

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Wednesday, February 01, 2017 1:32 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

This works for me! Marcia, are you able to make the call today? If not, I can call Lisa Beal

tomorrow.

Thanks!

From: Mia, Marcia

Sent: Wednesday, February 01, 2017 12:09 PM

To: Goff, Keith <Goff.Keith@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

If you still have concerns, let's do an internal call, first.

M

Marcia B Mia

Office of Compliance/Air Branch

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202-564-7042

From: Goff, Keith
Sent: Wednesday, February 01, 2017 11:29 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

From: Thompson, Lisa
Sent: Wednesday, February 01, 2017 10:44 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

I think this is a great idea Marcia.

From: Mia, Marcia
Sent: Wednesday, February 01, 2017 10:39 AM
To: Goff, Keith <Goff.Keith@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

How does that sound?

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Goff, Keith

Sent: Wednesday, February 01, 2017 10:31 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

No.

From: Thompson, Lisa

Sent: Wednesday, February 01, 2017 10:29 AM

To: Goff, Keith <Goff.Keith@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

From: Goff, Keith

Sent: Wednesday, February 01, 2017 10:22 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

5411a(a)1) 1) You must design the closed vent system to route all gases, vapors, and fumes emitted from the reciprocating compressor rod packing emissions collection system, the wet seal fluid degassing system or pneumatic pump to a control device or to a process. For reciprocating and centrifugal compressors, the closed vent system must route all gases, vapors, and fumes to a control device that meets the requirements specified in §60.5412a(a) through (c).

Ex. 5 - Deliberative Process

From: Thompson, Lisa

Sent: Wednesday, February 01, 2017 10:15 AM

To: Goff, Keith <Goff.Keith@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

This response looks good to me. Marcia, are you okay with it?

I'm also happy to send, but we decided a number of weeks ago this was more appropriate coming from R4 – what's changed since then?

From: Goff, Keith

Sent: Wednesday, February 01, 2017 10:04 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

From: Goff, Keith

Sent: Wednesday, February 01, 2017 9:42 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: FW: Dominion --- Wet Seal Interpretation

DRAFT

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Wednesday, February 01, 2017 8:55 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Yes, I would like to see the email before it goes out, if that is okay. We can say the capture and

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Wednesday, February 01, 2017 8:39 AM

To: Goff, Keith <Goff.Keith@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Marcia – can you just confirm that you’re on board with this decision today? Thanks so much!!

From: Thompson, Lisa

Sent: Friday, January 27, 2017 12:12 PM

To: Goff, Keith <Goff.Keith@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Let’s wait for Marcia to weigh in one last time on Monday.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks again!

Lisa

From: Goff, Keith

Sent: Thursday, January 26, 2017 11:30 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

Thanks

Keith

From: Thompson, Lisa

Sent: Thursday, January 26, 2017 11:04 AM

To: Goff, Keith <Goff.Keith@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Keith –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Let me know if I misunderstood the decision made last week.

Lisa

From: Goff, Keith

Sent: Thursday, January 26, 2017 9:47 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

In chapter 7 of EPA's response to comments, on page 7-26 the following comment and EPA response is found:

“Commenter Name: Anthony Pocengal **Commenter Affiliation:** [Solar Turbines Incorporated](#)
Document Control Number: EPA-HQ-OAR-2010-0505-6812 **Comment Excerpt Number:** 7

Comment: 60.5410a(b)(2) – Demonstration of 95.0% VOC Reduction when ‘Routing to Process’

The insertion of the ‘route to process’ pathway for compliance is an improvement and logical addition to the original OOOO rule. Since it is highly likely that physical measurements to prove the 95.0% reduction will be impossible when routing the degas emissions to a process, a model

or engineering/design analysis should be allowed to prove compliance, as applicable.

Response: The final rule does not require a specific demonstration of 95 percent reduction for units that are routed to a process. For the routing to process option, only the closed vent system compliance requirements apply.

In chapter 10 pages 10-46, 10-47 of the EPA response to comments document the below discussion is found. In response to a comment that “closed vent system” and “control device” should be defined in OOOOa to be consistent with those in Part 63 Subpart HH, EPA states “the issues are beyond the scope of this rulemaking.” The definitions in MACT Subpart HH would have prevented this problem with the minimal emissions from lube oil tanks being required to be controlled or routed to a process, as required by OOOOa. As written, OOOOa does not define closed vent system.

Commenter Name: Cory Pomeroy, General Counsel **Commenter Affiliation:** Texas Oil & Gas Association **Document Control Number:** EPA-HQ-OAR-2010-0505-7058 **Comment Excerpt Number:** 71

Comment: EPA Should Add Certain Definitions for Storage Vessel Affected Facilities Routing Emissions to a Process.

EPA should add a definitions of “closed vent system” and “control device” consistent with NESHAP Subpart HH (40 C.F.R. § 60.761).

Closed-vent system should be defined to mean “a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and if necessary, flow inducing devices that transport gas or vapor from an emission point to one or more control devices. If gas or vapor from regulated equipment is routed to a process (e.g., to a fuel gas system), the conveyance system shall not be considered a closed-vent system and is not subject to closed-vent system standards.”

Control device should be defined to mean “any equipment used for recovering or volatile organic compound (VOC) vapors. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For the purposes of this subpart, if gas or vapor from regulated equipment is used, reused (*i.e.*, injected into the flame zone of an enclosed combustion device), returned back to the process, or sold, then the recovery system used, including piping, connections, and flow inducing devices, is not considered to be a control device or closed-vent system.”

Routing emissions to a process should not trigger initial or continuous compliance requirements applicable to control devices.

Response: This comment raises issues beyond the scope of this rulemaking.

Ex. 5 - Deliberative Process

60.5411a(1) You must design the closed vent system to route all gases, vapors, and fumes emitted from the reciprocating compressor rod packing emissions collection system, the wet seal fluid degassing system or pneumatic pump to a control device or to a process.

From: Thompson, Lisa
Sent: Thursday, January 26, 2017 8:51 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Denis, Keith –

Have you met with Dominion yet? If not, would you like me to schedule it?

Thanks,

Lisa

From: Thompson, Lisa
Sent: Wednesday, January 18, 2017 3:30 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Denis,

Are you going to set up the meeting with Dominion? Let me know if you'd like me to set it up, and if you want me on the call! Up to you! ☺

Thanks,

Lisa

From: Mia, Marcia

Sent: Wednesday, January 18, 2017 9:28 AM

To: Kler, Denis <Kler.Denis@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

M

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Kler, Denis

Sent: Wednesday, January 18, 2017 8:42 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Attached is a document on wet seal degassing recovery system for centrifugal compressors for the EPA Natural Gas Star website.

Denis B. Kler

U.S. EPA Region 4

APTMD/AETB/North Air Enforcement and Toxics Section

Work: 404.562.9199

Fax: 404.562.9163

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message and all copies of this message from your system. Thank you.

From: Mia, Marcia
Sent: Wednesday, January 11, 2017 10:14 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Also, I went to the White Papers. Interesting statements in there:

Route to Control

“The *removed* gas is either combusted, released to the atmosphere, or captured and routed to a process. The emission reduction technique investigated in this section is the use of wet seals with the removed gas sent to an enclosed flare.” – This would seem to imply that the gas which remains in the lube oil and which is released in the storage tank is not required to be controlled. (see pdf page 43).

Also regarding capture of “removed gas” for flaring – “A flare typically achieves 95% reduction of these compounds when operated according to the manufacturer instructions. For this analysis, it was assumed that 100% of the entrained gas from the seal oil that is removed in the degassing process would be directed to a flare that achieves 95% reduction of organic compounds.” – This supports the 100% CVS capture requirements when routing to a control device. (pdf page 43)

-

Route to Process

see pdf page 44-45

“Based on comments received during development of subpart OOOO, in some cases gas may be routed back to the compressor suction or fuel system.” And “The emissions reductions for wet seal centrifugal compressors in the processing sector and transmission and storage sectors are summarized in Table 4-7 using 95% control efficiency for the capture system.” The title of the Table is “Wet Seal Centrifugal Compressor Emission Reductions at 95% Capture and Control”

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia

Sent: Tuesday, January 10, 2017 3:47 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Sure. That would be great. We should have a call with the source too in order to fully understand. I added Denis to the loop.

This is what they say they do:

In the region where the seal oil and buffer media mix, the buffer media, which is natural gas,

migrates into the seal oil when under pressure. The migration rate and quantity is a function of gas

composition and pressure. The oil/ gas mixture flows into the trap. *Once in the trap, the majority of the gas*

will be sent to the compressor suction. Some gas will remain in the seal oil and will be drained to the

degaussing flue and lube oil tank. In the flue and lube oil tank the remaining gas is vented to atmosphere.

They also say that “de-gas emissions are effectively recycled to suction (ie, ‘routed to process’) at a 95% capture rate” so couple with the discussion above, I read that 95% of the emissions from the seal trap go back to the compressor suction and 5% of them are routed to atmosphere via the flue. The standard requires 95% reduction from the degassing and the “system” also includes the lube oil tank in addition to the trap (or maybe that is where the interpretation comes in?). Both the trap gas and the lube oil flue need to be routed via CVS which requires 100% capture of the gas.

It seems they are going to have to capture and route the emissions from the lube oil tank to a control device too...

Ex. 4 - CBI

Ex. 4 - CBI

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, January 10, 2017 1:26 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Tuesday, January 10, 2017 12:43 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, January 10, 2017 11:29 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: FW: Dominion --- Wet Seal Interpretation

Marcia – I was hoping you could take a quick look at this too. I think your recommendation from November stands, and this is a regional issue. Should I tell Dominion to formally submit this to Region 4?

I haven't yet heard back from Denis on this issue.

Thanks,

Lisa

From: Thompson, Lisa

Sent: Thursday, January 05, 2017 3:43 PM
To: Kler, Denis <Kler.Denis@epa.gov>
Subject: Dominion --- Wet Seal Interpretation

Hi Denis –

Please see Dominion's official letter, along with the string of emails below. We briefly discussed this before the holidays, but to summarize: Dominion is building a OOOOa affected compressor, and planning to comply with the 95% reduction requirement by routing compressor emissions to a process.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Do you agree with my interpretation, and what would the next steps be on your end?

Thanks!

Lisa

From: Mia, Marcia
Sent: Tuesday, November 22, 2016 1:32 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>
Subject: RE: Wet Seal Interpretation

1. That is a good one –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

2. Denis Kler in Region 4 is a good start

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

-----Original Message-----

From: Thompson, Lisa

Sent: Tuesday, November 22, 2016 12:10 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: FW: Wet Seal Interpretation

Marcia -- two quick questions:

1) Does Dominion need to submit a full AD to route their compressor to a VRU? **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

2) Do you have an Oil and Gas contact in R4?

Thanks,

Lisa

-----Original Message-----

From: Lisa S Beal (Services - 6) [<mailto:Lisa.S.Beal@dom.com>]

Sent: Tuesday, November 22, 2016 10:57 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Howard, Jodi <Howard.Jodi@epa.gov>

Subject: FW: Wet Seal Interpretation

Hi Lisa -

I sent this message to Jodi Howard last week but I'm now wondering if I should have addressed it to you. We would like to submit an applicability determination request regarding the use of a vapor recovery system as a control system for OOOOa compliance purposes.

Before submitting the letter I'd like to verify the format and process to. Can you address my below questions?

Thank you in advance,

Lisa

Lisa S. Beal

Dominion Resources Services, Inc.

(O) - (804) 273-4608

(M) - (804)489-4046

Tie 8- 730-4608

-----Original Message-----

From: Lisa S Beal (Services - 6)

Sent: Friday, November 18, 2016 5:50 AM

To: jodi Howard

Cc: Anand Yegnan (Services - 6); Alice G Prior (Services - 6)

Subject: Wet Seal Interpretation

Hello Jodi

When Dominion met with EPA last Spring, we briefly discussed how a wet seal compressor configuration might be addressed under the NSPS OOOOa rules. Specifically, we sought clarification whether a vapor recovery system associated with the compressor is considered to "route to a process" if the system recycles more than 95 percent of the gas.

EPA seemed receptive to the idea but we both agreed that further data was needed before we ask for an official determination. Dominion has prepared the supporting data and I want to make sure I understand the process of submitting a formal request.

First, whom should I address the letter to? Would it be Bruce Moore or you? Also, who should I copy? The proposed configuration would be placed along our Dominion Carolina Gas system

in Moore, South Carolina. Should the Regional office and state be copied?

Second, is there a specific format which we should follow? We are preparing a letter outlining the issue including emissions data from the manufacturer to support the proposed compliance option. Is there additional information we should include? How much detail about the unit is needed?

Finally, is this something we should have a face to face meeting about and if so, would it be possible to put a tentative date on the calendar now. As you might imagine, we are anxious to resolve this issue so we can plan accordingly for compliance. Ideally, this would be addressed by the end of the year but I know things can get bogged down with the holidays. This is an important issue for us and we are more than happy to meet at your convenience.

Thank you in advance Jodi. I'm out of the office today but please feel free to call me on my mobile if you want to discuss further.

Lisa Beal

804-489-4046

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To: Marsh, Karen[Marsh.Karen@epa.gov]; Hambrick, Amy[Hambrick.Amy@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]
From: Mia, Marcia
Sent: Tue 10/17/2017 4:13:00 PM
Subject: RE: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)
[A039.pdf](#)
[CO05.pdf](#)

This one has a lot of nuances. If she is simply asking about what constitutes “contractual obligations” for the purpose of “commence construction,” I would point her to these legacy documents for NSPS (attached). She should discuss the specifics of her “PO” as a contractual obligation with the delegated authority.

Is there a scenario where they buy the compressors but don’t buy the fugitive emissions components until a later (post proposal) date? Possibly, so the project would have to be evaluated as a “continuous program of construction” of the affected source, which is the collection of fugitive components, but not the compressor itself. Again, a site specific decision.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Patty Centofanti [mailto:PCentofanti@trinityconsultants.com]
Sent: Monday, October 16, 2017 12:55 PM
To: Marsh, Karen <Marsh.Karen@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)

Hi Karen,

Had one more question for the team on OOOOa applicability related to the “Compressor Station LDAR” of 60.5397a.... The rule applies to ‘Affected Facilities’ that commence construction, modification or reconstruction after September 18, 2015. For 60.5397a, the Affected Facility is the collection of fugitive emissions components at a compressor station. When the compressors of a greenfield compressor station are not affected facilities, is it possible for the compressor station itself to be an affected facility?

For example:

- Greenfield compressor station
- PO dates for all compression units are prior to 9/18/15 (and the units were purchased specifically for that particular project)
- Air permit was obtained after 9/18/15, and subsequently on-site construction was after 9/18/15.

Is the compressor PO date sufficient to demonstrate the owner/operator entered into “contractual obligations” (i.e., making the station not subject to NSPS OOOOa Compressor Station LDAR).

Thanks for your time to evaluate.

Commenced means, with respect to the definition of *new source* in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

Construction means fabrication, erection, or installation of an affected facility.

Fugitive emissions component means any component that has the potential to emit fugitive emissions of methane or VOC at a well site or compressor station, including but not limited to valves, connectors, pressure relief devices, open-ended lines, flanges, covers and closed vent systems not subject to §60.5411a, thief hatches or other openings on a controlled storage vessel not subject to §60.5395a, compressors, instruments, and meters. Devices that vent as part of normal operations, such as natural gas-driven pneumatic controllers or natural gas-driven pumps, are not fugitive emissions components, insofar as the natural gas discharged from the device's vent is not considered a fugitive emission. Emissions originating from other than the vent, such

as the thief hatch on a controlled storage vessel, would be considered fugitive emissions.

Patty Centofanti

Trinity – Pittsburgh Office

Cell: 412-538-8038

From: Marsh, Karen [<mailto:Marsh.Karen@epa.gov>]

Sent: Wednesday, August 23, 2017 4:10 PM

To: Patty Centofanti; Mia, Marcia; Hambrick, Amy; Thompson, Lisa

Subject: RE: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)

Patty,

We wanted to provide you some guidance on your compressor station modification question, as related to fugitive monitoring. Specifically, it appears that you are asking about changes to an existing compressor that would increase the horsepower, without actually replacing the compressor as a whole. As you are aware, in 60.5365a(j), it states that when one or more compressors is added or replaced such that the total horsepower of the compressor drivers at an existing compressor station is increased, modification of the compressor station is triggered, and the fugitive emissions requirements in §60.5397a of subpart OOOOa would then apply. This horsepower increase triggers a modification, regardless of whether the compressors are driven by electric motors, combustion turbines, or reciprocating internal combustion engines. We would also consider a change to an existing compressor which increases the horsepower of the compressor to be a “replacement” of the existing compressor with one of greater horsepower.

Again, this is provided for guidance purposes only. If you needed a formal determination, please reach out to the appropriate regional contact.

Thanks,

Karen

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Patty Centofanti [<mailto:PCentofanti@trinityconsultants.com>]

Sent: Wednesday, July 26, 2017 12:05 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>;
Thompson, Lisa <Thompson.Lisa@epa.gov>; marsh.karen@epa.gov

Subject: NSPS OOOOa Modification of a Compressor Station 40 CFR 60.5365a(j)

Thanks to all for your time to discuss OOOOa this morning. I'm sending the first of two emails related to the items discussed on our call today. Appreciate your review and comments on my notes.

This scenario relates to an existing "compressor" (pre-NSPS). The compressor itself is not being replaced; however, the compressor "driver" will be replaced. The new compressor "driver" could be gas-fired or electric, and may have a HP rating greater than the HP rating of the existing compressor "driver". Based on the rule and RTC citations below, I believe the driver replacement does not trigger a "modification" to a compressor station with regard to 40 CFR 60.5365a(j) and 60.5397a. Would appreciate confirmation of that interpretation.

40 CFR 60.5365a

(j) The collection of fugitive emissions components at a compressor station, as defined in §60.5430a, is an affected facility. For purposes of §60.5397a, a “modification” to a compressor station occurs when:

- (1) An additional compressor is installed at a compressor station; or
- (2) One or more compressors at a compressor station is replaced by one or more compressors of greater total horsepower than the compressor(s) being replaced. When one or more compressors is replaced by one or more compressors of an equal or smaller total horsepower than the compressor(s) being replaced, installation of the replacement compressor(s) does not trigger a modification of the compressor station for purposes of §60.5397a.

Page 4-227 of the attached RTC:

... “For compressor stations, we agree with some aspects of the issues raised by the commenter and have made the following revisions to the modification requirements in the final rule. We agree that an increase in the compression capacity that is not due to the addition of a compressor that would result in an increase of the overall design capacity of the compressor station is not a modification. We have also clarified that the installation of a compressor will only trigger the fugitive monitoring requirements if it is installed as an additional compressor or if it is a replacement that is of greater horsepower than the compressor or compressors that it is replacing.” ...

Thanks,

Patty Centofanti

Senior Consultant

Trinity Consultants

4500 Brooktree Road, Suite 103 | Wexford, PA 15090

Cell: **412-538-8038**

Pittsburgh Office: **724-935-2611 x110**

Email: pcentofanti@trinityconsultants.com

To: North, Alexis[north.alexis@epa.gov]
From: Mia, Marcia
Sent: Wed 1/18/2017 5:55:46 PM
Subject: FW: Dominion --- Wet Seal Interpretation
[Wet seal degassing system.pdf](#)

Can you pls forward to the OOOO team for this afternoon's call. Thanks.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Kler, Denis
Sent: Wednesday, January 18, 2017 8:42 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Attached is a document on wet seal degassing recovery system for centrifugal compressors for the EPA Natural Gas Star website.

Denis B. Kler

U.S. EPA Region 4

APTMD/AETB/North Air Enforcement and Toxics Section

Work: 404.562.9199

Fax: 404.562.9163

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To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
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Also, I went to the White Papers. Interesting statements in there:

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“The *removed* gas is either combusted, released to the atmosphere, or captured and routed to a process. The emission reduction technique investigated in this section is the use of wet seals with the removed gas sent to an enclosed flare.” – This would seem to imply that the gas which remains in the lube oil and which is released in the storage tank is not required to be controlled. (see pdf page 43).

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-

Route to Process

see pdf page 44-45

“Based on comments received during development of subpart OOOO, in some cases gas may be routed back to the compressor suction or fuel system.” And “The emissions reductions for wet seal centrifugal compressors in the processing sector and transmission and storage sectors are summarized in Table 4-7 using 95% control efficiency for the capture system.” The title of the Table is “Wet Seal Centrifugal Compressor Emission Reductions at 95% Capture and Control”

Those are two different things right? 95% capture (and no control reduction after capture, which can make sense for process) vs. overall 95% reduction accounting for capture and control. And different still from 100% capture at 95% control...

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia

Sent: Tuesday, January 10, 2017 3:47 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Kler, Denis <Kler.Denis@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

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gas

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Ex. 4 - CBI

Ex. 4 - CBI

Marcia B Mia

Office of Compliance/Air Branch

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U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, January 10, 2017 1:26 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Tuesday, January 10, 2017 12:43 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Dominion --- Wet Seal Interpretation

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, January 10, 2017 11:29 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: FW: Dominion --- Wet Seal Interpretation

Marcia – I was hoping you could take a quick look at this too. I think your recommendation from November stands, and this is a regional issue. Should I tell Dominion to formally submit this to Region 4?

I haven't yet heard back from Denis on this issue.

Thanks,

Lisa

From: Thompson, Lisa

Sent: Thursday, January 05, 2017 3:43 PM
To: Kler, Denis <Kler.Denis@epa.gov>
Subject: Dominion --- Wet Seal Interpretation

Hi Denis –

Please see Dominion's official letter, along with the string of emails below. We briefly discussed this before the holidays, but to summarize: Dominion is building a OOOOa affected compressor, and planning to comply with the 95% reduction requirement by routing compressor emissions to a process.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Do you agree with my interpretation, and what would the next steps be on your end?

Thanks!

Lisa

From: Mia, Marcia
Sent: Tuesday, November 22, 2016 1:32 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>
Subject: RE: Wet Seal Interpretation

1. That is a good one –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

2. Denis Kler in Region 4 is a good start

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

-----Original Message-----

From: Thompson, Lisa

Sent: Tuesday, November 22, 2016 12:10 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: FW: Wet Seal Interpretation

Marcia -- two quick questions:

1) Does Dominion need to submit a full AD to route their compressor to a VRU? **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

2) Do you have an Oil and Gas contact in R4?

Thanks,

Lisa

-----Original Message-----

From: Lisa S Beal (Services - 6) [<mailto:Lisa.S.Beal@dom.com>]

Sent: Tuesday, November 22, 2016 10:57 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Howard, Jodi <Howard.Jodi@epa.gov>

Subject: FW: Wet Seal Interpretation

Hi Lisa -

I sent this message to Jodi Howard last week but I'm now wondering if I should have addressed it to you. We would like to submit an applicability determination request regarding the use of a vapor recovery system as a control system for OOOOa compliance purposes.

Before submitting the letter I'd like to verify the format and process to. Can you address my below questions?

Thank you in advance,

Lisa

Lisa S. Beal

Dominion Resources Services, Inc.

(O) - (804) 273-4608

(M) - (804)489-4046

Tie 8- 730-4608

-----Original Message-----

From: Lisa S Beal (Services - 6)

Sent: Friday, November 18, 2016 5:50 AM

To: jodi Howard

Cc: Anand Yegnan (Services - 6); Alice G Prior (Services - 6)

Subject: Wet Seal Interpretation

Hello Jodi

When Dominion met with EPA last Spring, we briefly discussed how a wet seal compressor configuration might be addressed under the NSPS OOOOa rules. Specifically, we sought clarification whether a vapor recovery system associated with the compressor is considered to "route to a process" if the system recycles more than 95 percent of the gas.

EPA seemed receptive to the idea but we both agreed that further data was needed before we ask for an official determination. Dominion has prepared the supporting data and I want to make sure I understand the process of submitting a formal request.

First, whom should I address the letter to? Would it be Bruce Moore or you? Also, who should I copy? The proposed configuration would be placed along our Dominion Carolina Gas system

in Moore, South Carolina. Should the Regional office and state be copied?

Second, is there a specific format which we should follow? We are preparing a letter outlining the issue including emissions data from the manufacturer to support the proposed compliance option. Is there additional information we should include? How much detail about the unit is needed?

Finally, is this something we should have a face to face meeting about and if so, would it be possible to put a tentative date on the calendar now. As you might imagine, we are anxious to resolve this issue so we can plan accordingly for compliance. Ideally, this would be addressed by the end of the year but I know things can get bogged down with the holidays. This is an important issue for us and we are more than happy to meet at your convenience.

Thank you in advance Jodi. I'm out of the office today but please feel free to call me on my mobile if you want to discuss further.

Lisa Beal

804-489-4046

CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and or privileged and does not in any case represent a firm ENERGY COMMODITY bid or offer relating thereto which binds the sender without an additional express written confirmation to that effect. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

To: Beeler, Cindy[Beeler.Cindy@epa.gov]; North, Alexis[north.alexis@epa.gov]
Cc: Kler, Denis[Kler.Denis@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]
From: Mia, Marcia
Sent: Tue 1/17/2017 6:32:45 PM
Subject: FW: Dominion --- Wet Seal Interpretation
[20140415compressors.pdf](#)
[Final Wet Seal Letter w Attachment.pdf](#)

Alex, for the OOOO call tomorrow and to both you and Cindy to offer some thoughts outside of that call, based on your expertise with compressors.

A rather long thread – but the gist is that we need to determine if the emissions from “wet seal degassing” - which must meet 100% capture and 95% control (or route to process) include the emissions from the lube tank, or just from the degassing step itself.

Dominion has a process whereby they capture and reroute what comes off of the seal traps; but not gas that is *not* removed in the degassing step and which flashes (we assume) in the lube oil storage vessel.

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia
Sent: Wednesday, January 11, 2017 10:14 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Also, I went to the White Papers. Interesting statements in there:

Route to Control

“The *removed* gas is either combusted, released to the atmosphere, or captured and routed to a process. The emission reduction technique investigated in this section is the use of wet seals with the removed gas sent to an enclosed flare.” – This would seem to imply that the gas which remains in the lube oil and which is released in the storage tank is not required to be controlled. (see pdf page 43).

Also regarding capture of “removed gas” for flaring – “A flare typically achieves 95% reduction of these compounds when operated according to the manufacturer instructions. For this analysis, it was assumed that 100% of the entrained gas from the seal oil that is removed in the degassing process would be directed to a flare that achieves 95% reduction of organic compounds.” – This supports the 100% CVS capture requirements when routing to a control device. (pdf page 43)

-

Route to Process

see pdf page 44-45

“Based on comments received during development of subpart OOOO, in some cases gas may be routed back to the compressor suction or fuel system.” And “The emissions reductions for wet seal centrifugal compressors in the processing sector and transmission and storage sectors are summarized in Table 4-7 using 95% control efficiency for the capture system.” The title of the Table is “Wet Seal Centrifugal Compressor Emission Reductions at 95% Capture and Control”

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia
Sent: Tuesday, January 10, 2017 3:47 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Sure. That would be great. We should have a call with the source too in order to fully understand. I added Denis to the loop.

This is what they say they do:

In the region where the seal oil and buffer media mix, the buffer media, which is natural gas, migrates into the seal oil when under pressure. The migration rate and quantity is a function of gas

composition and pressure. The oil/ gas mixture flows into the trap. *Once in the trap, the majority of the gas*

will be sent to the compressor suction. Some gas will remain in the seal oil and will be drained to the

degaussing flue and lube oil tank. In the flue and lube oil tank the remaining gas is vented to atmosphere.

They also say that “de-gas emissions are effectively recycled to suction (ie, ‘routed to process’) at a 95% capture rate” so couple with the discussion above, I read that 95% of the emissions from the seal trap go back to the compressor suction and 5% of them are routed to atmosphere via the flue. The standard requires 95% reduction from the degassing and the “system” also includes the lube oil tank in addition to the trap (or maybe that is where the interpretation comes in?). Both the trap gas and the lube oil flue need to be routed via CVS which requires 100%

capture of the gas.

It seems they are going to have to capture and route the emissions from the lube oil tank to a control device too...

Ex. 4 - CBI

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Tuesday, January 10, 2017 1:26 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
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Ex. 5 - Deliberative Process

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To: Thompson, Lisa <Thompson.Lisa@epa.gov>
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Ex. 5 - Deliberative Process

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Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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Sent: Tuesday, January 10, 2017 11:29 AM

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Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

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Sent: Tuesday, November 22, 2016 10:57 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Howard, Jodi <Howard.Jodi@epa.gov>

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(O) - (804) 273-4608

(M) - (804)489-4046

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To: Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]; Duffy, Rick[Duffy.Rick@epa.gov]
From: Mia, Marcia
Sent: Wed 4/26/2017 12:01:39 PM
Subject: FW: talking points for Oil and Gas Stay

FYI, if you want to mention this today in the weekly.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia
Sent: Tuesday, April 25, 2017 12:19 PM
To: Apple Chapman <chapman.apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>
Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]; Duffy, Rick[Duffy.Rick@epa.gov]; Segall, Martha[Segall.Martha@epa.gov]; Chapman, Apple[Chapman.Apple@epa.gov]; Kenney, James[Kenney.James@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]
From: Mia, Marcia
Sent: Tue 5/2/2017 2:08:49 PM
Subject: FW: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)
2017 05 01 NSPS OOOOa Letter to EPA Administrator Pruitt Final.pdf

FYI. Building on the success of their first request for an administrative stay... **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Tuesday, May 02, 2017 9:20 AM
To: Branning, Amy <Branning.Amy@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Gilbreath, Jan <Gilbreath.Jan@epa.gov>
Subject: FW: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)

FYI

From: Cozzie, David
Sent: Tuesday, May 2, 2017 9:17 AM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>
Subject: FW: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)

Importance: High

FYI

From: Matthew Todd [<mailto:ToddM@api.org>]
Sent: Monday, May 01, 2017 4:21 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Howard Feldman <Feldman@api.org>
Subject: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)
Importance: High

Dear Administrator Pruitt:

The American Petroleum Institute respectfully submits the attached letter in response to your April 18, 2017 letter communicating the agency's intent to reconsider certain aspects of the Final Rule, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," which was published on June 3, 2016 (81 FR 35824).

Sincerely,

Matthew Todd, on behalf of Howard Feldman

Matthew Todd

API

202.682.8319

To: Hindin, David[Hindin.David@epa.gov]; Dombrowski, John[Dombrowski.John@epa.gov]; Miller, Mamie[Miller.Mamie@epa.gov]; Kadish, Rochele[Kadish.Rochele@epa.gov]; Forster, Rosa[Forster.Rosa@epa.gov]; Thompson, Patricia[thompson.patricia@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]; Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]; Duffy, Rick[Duffy.Rick@epa.gov]
From: Duffy, Rick
Sent: Wed 4/26/2017 9:12:00 PM
Subject: Please print for David and John for the MAMPD weekly FW: talking points for Oil and Gas Stay

FYI, information from Marcia Mia on the stay of NSPS OOOOa

From: Mia, Marcia
Sent: Wednesday, April 26, 2017 8:02 AM
To: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>
Subject: FW: talking points for Oil and Gas Stay

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Office of Compliance/Air Branch

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Subject: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Hindin, David[Hindin.David@epa.gov]; Dombrowski, John[Dombrowski.John@epa.gov]; Miller, Mamie[Miller.Mamie@epa.gov]; Kadish, Rochele[Kadish.Rochele@epa.gov]; Forster, Rosa[Forster.Rosa@epa.gov]; Thompson, Patricia[thompson.patricia@epa.gov]; Edward Messina (Messina.Edward@epa.gov)[Messina.Edward@epa.gov]; Lischinsky, Robert[lischinsky.robert@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]; Rick Duffy (Duffy.Rick@epa.gov)[Duffy.Rick@epa.gov]
From: Duffy, Rick
Sent: Wed 4/26/2017 9:12:00 PM
Subject: Please print for David and John for the MAMPD weekly FW: talking points for Oil and Gas Stay

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Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: augustine, bruce[augustine.bruce@epa.gov]; Kler, Denis[Kler.Denis@epa.gov]; Taylor, Kevin[Taylor.Kevin@epa.gov]; Topinka, Natalie[topinka.natalie@epa.gov]; Lundelius, Diana[Lundelius.Diana@epa.gov]; Kaleri, Cynthia[kaleri.cynthia@epa.gov]; Cheever, Robert[cheever.robert@epa.gov]; North, Alexis[North.Alexis@epa.gov]; Patefield, Scott[Patefield.Scott@epa.gov]; Basinger, David[Basinger.David@epa.gov]; Chapman, Apple[Chapman.Apple@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]
From: Mia, Marcia
Sent: Wed 9/13/2017 5:10:13 PM
Subject: FYI - List of "Posted" enclosed combustors and those making claims
[Mfr-tested combustor list Final rev August 2017.pdf](#)
[Mfr-tested combustor list Claimsr.docx](#)
[Enclosed Combustor URL.docx](#)

The one file (PDF) is available at <https://www.epa.gov/stationary-sources-air-pollution/performance-testing-combustion-control-devices-manufacturers>. That link will always be the most recent, but I have attached the latest one we posted.

The other files (Word) are the ones our intern prepared using Google to search for terms such as "EPA certified" – a list of URL's and a summary of the combustor and claims made.

A combustor which is not "listed", including the specific model and flow rate, must be field tested under NSPS OOOO and OOOOa. This is something you can look for when on inspections.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Fried, Gregory[Fried.Gregory@epa.gov]
Cc: Hoyt, Daniel[Hoyt.Daniel@epa.gov]; Williams, Christopher[Williams.Christopher@epa.gov]; Sorrell, Virginia[Sorrell.Virginia@epa.gov]; Sullivan, Tim[Sullivan.Tim@epa.gov]
From: Sullivan, Tim
Sent: Mon 11/13/2017 4:30:43 PM
Subject: RE: Texas SIP and OOOO/OOOO(a)
DRAFT - Tex SIP VOC Req.docx
DRAFT NSPS OOOO OOOOa.docx

That's doable.

Ginny and I are scheduled to discuss the TX SIP at 11 am mountain today. Chris and Dan: do you want to join that discussion?

Thanks –

Tim

Timothy J. Sullivan
Air Enforcement Division
Office of Civil Enforcement

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1595 Wynkoop Street (MC 8MSU)
Denver, Colorado 80202

Phone: 303.312.6196 | Email: sullivan.tim@epa.gov

Help eliminate environmental violations - report tips and complaints at:
<http://www.epa.gov/compliance/complaints/index.html>

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From: Fried, Gregory
Sent: Monday, November 13, 2017 8:08 AM
To: Williams, Christopher <Williams.Christopher@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>
Cc: Hoyt, Daniel <Hoyt.Daniel@epa.gov>
Subject: RE: Texas SIP and OOOO/OOOO(a)

If we can, I'd like to get this over to R6 by mid-afternoon.

From: Williams, Christopher
Sent: Monday, November 13, 2017 9:58 AM
To: Sullivan, Tim <Sullivan.Tim@epa.gov>
Cc: Fried, Gregory <Fried.Gregory@epa.gov>; Hoyt, Daniel <Hoyt.Daniel@epa.gov>
Subject: Texas SIP and OOOO/OOOO(a)

Enforcement Confidential;

Attorney Work Product Privileged & Confidential

Tim,

Ex. 5 - Attorney Client

Let me know if you have any questions.

Thanks,

Chris

Christopher Williams, P.E.

Air Enforcement Division

U.S. EPA Headquarters, Rm 1142C

William Jefferson Clinton Building-South

1200 Pennsylvania Avenue, N.W.

Mail Code: 2242A

Washington, D.C. 20460

williams.christopher@epa.gov

Tel: 202.564.7889

To: Sullivan, Tim[Sullivan.Tim@epa.gov]
Cc: Fried, Gregory[Fried.Gregory@epa.gov]; Hoyt, Daniel[Hoyt.Daniel@epa.gov]
From: Williams, Christopher
Sent: Mon 11/13/2017 2:57:51 PM
Subject: Texas SIP and OOOO/OOOO(a)
DRAFT - Tex SIP VOC Req.docx
DRAFT NSPS OOOO OOOOa.docx

Enforcement Confidential;

Attorney Work Product Privileged & Confidential

Tim,

Ex. 5 - Attorney Client

Let me know if you have any questions.

Thanks,

Chris

Christopher Williams, P.E.

Air Enforcement Division

U.S. EPA Headquarters, Rm 1142C

William Jefferson Clinton Building-South

1200 Pennsylvania Avenue, N.W.

Mail Code: 2242A

Washington, D.C. 20460

williams.christopher@epa.gov

Tel: 202.564.7889

To: Kaleri, Cynthia[kaleri.cynthia@epa.gov]; Bammel, Brandon[Bammel.Brandon@epa.gov]
Cc: Larson, Darrin[Larson.Darrin@epa.gov]; Kenney, James[Kenney.James@epa.gov]; Robinson, Jeffrey[Robinson.Jeffrey@epa.gov]; Braganza, Bonnie[Braganza.Bonnie@epa.gov]; Lawrence, Rob[Lawrence.Rob@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]; Casso, Ruben[Casso.Ruben@epa.gov]
From: Lundelius, Diana
Sent: Mon 6/5/2017 2:49:49 PM
Subject: RE: 6/2/17 Federal Register - Public Inspection Version - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration and Partial Stay 2017-11457 NSPS OOOOa Stay 6-5-17.pdf

From: Kaleri, Cynthia
Sent: Friday, June 02, 2017 8:12 AM
To: Lundelius, Diana <Lundelius.Diana@epa.gov>; Bammel, Brandon <Bammel.Brandon@epa.gov>
Cc: Larson, Darrin <Larson.Darrin@epa.gov>
Subject: FW: 6/2/17 Federal Register - Public Inspection Version - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration and Partial Stay

fyi

From: Lawrence, Rob
Sent: Friday, June 02, 2017 8:03 AM
To: Larson, Darrin; Kaleri, Cynthia; Kenney, James; Robinson, Jeffrey; Braganza, Bonnie
Cc: Beeler, Cindy
Subject: FW: 6/2/17 Federal Register - Public Inspection Version - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration and Partial Stay

To appear on Monday in the Federal Register.

Rob Lawrence

Region 6

Policy Advisor - Energy Issues

214.665.6580

From: Casso, Ruben

Sent: Friday, June 02, 2017 8:00 AM

To: Lawrence, Rob <Lawrence.Rob@epa.gov>

Subject: 6/2/17 Federal Register - Public Inspection Version - Oil and Natural Gas Sector:
Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration
and Partial Stay

This document is scheduled to be published in the Federal Register on 06/05/2017 and
available online at <https://federalregister.gov/d/2017-11457>, and on **FDsys.gov**

Oil and Natural Gas Sector:

Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration
and Partial Stay

Filed on:

06/02/2017 at 08:45 am

Scheduled Pub. Date:

06/05/2017

FR Document:

[2017-11457](#)

To: Lischinsky, Robert[Lischinsky.Robert@epa.gov]
From: Mia, Marcia
Sent: Wed 11/30/2016 9:23:46 PM
Subject: FW: Pump Questions Status?
Pneumatic Diaphragm Pump Initial Compliance Mapping.docx

All good deeds...

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Hambrick, Amy
Sent: Wednesday, November 30, 2016 4:05 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>
Cc: Moore, Bruce <Moore.Bruce@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: FW: Pump Questions Status?

Thoughts on the below regarding a call to discuss with BP?

Amy Hambrick

U.S. Environmental Protection Agency

(919)541-0964

From: Wood, Dana A. [<mailto:Dana.Wood@bp.com>]

Sent: Wednesday, November 30, 2016 10:07 AM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: Moore, Bruce <Moore.Bruce@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Pump Questions Status?

Dear Amy, Bruce, and Lisa,

I would like to discuss this further with Enforcement. Never before has it been presumed that initial compliance is due at the same time as the control requirements in any NSPS. Under 60.11(a), “Compliance with standards in this part, other than opacity standards, shall be determined in accordance with performance tests established by §60.8, **unless otherwise specified in the applicable standard.**” 60.8(a) provides 60 days after achieving maximum production but no later than 180 days after initial start-up, performance test must be completed (60.8(a)). This has historically been applied to all initial compliance tests. My reading as well as the rest of industry and several industry attorneys I have spoken with, is that the initial Method 21 monitoring of the closed vent system for pneumatic pumps under 60.5416a is due per 60.5410a, by August 2, 2017. Attached is my mapping of this from the rule itself. I have never hear of initial compliance testing being due when the control requirements are due in an NSPS.

Sincerely,

Dana Wood

From: Hambrick, Amy [<mailto:Hambrick.Amy@epa.gov>]
Sent: Tuesday, November 29, 2016 2:44 PM
To: Wood, Dana A.
Cc: Moore, Bruce; Thompson, Lisa
Subject: RE: Pump Questions Status?

Dana- Our Office of Enforcement took another look at #3 and their response has not changed.

Regards,

Amy

Amy Hambrick

U.S. Environmental Protection Agency

(919)541-0964

From: Wood, Dana A. [<mailto:Dana.Wood@bp.com>]
Sent: Monday, November 28, 2016 4:15 PM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: Moore, Bruce <Moore.Bruce@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Pump Questions Status?

Also, under 60.5410a it states “You must determine initial compliance with the standards for each affected facility using the requirements in paragraphs (a) through (j) of this section. The initial compliance period begins on August 2, 2016, or upon initial startup, whichever is later, and ends no later than 1 year after the initial startup date for your affected facility or no later than 1 year after August 2, 2016. The initial compliance period may be less than one full year.”

Therefore, wouldn't we have till August 2, 2017 to do the initial Method 21 monitoring on the closed vent system of the pump?

From: Wood, Dana A.
Sent: Monday, November 28, 2016 9:45 AM
To: 'Hambrick, Amy'
Cc: Moore, Bruce; Thompson, Lisa
Subject: RE: Pump Questions Status?
Importance: High

Dear Amy,

Your response to #3 is puzzling because we have until November 30 to install the controls so how can we inspect all the CVS by November 30th if they are not installed before November 30th. I thought it would be at least 60 days after November 30th before we would have to do the Method 21 inspection of the CVS. Could you please check again? There is no way we can get all the sites inspected by Wednesday. Especially since we are still routing some to controls.

Sincerely,

Dana Wood

From: Hambrick, Amy [<mailto:Hambrick.Amy@epa.gov>]
Sent: Tuesday, November 22, 2016 11:41 AM
To: Wood, Dana A.
Cc: Moore, Bruce; Thompson, Lisa
Subject: RE: Pump Questions Status?

Dana- Responses to your questions. Thanks.

(1) Do we count 90 days of operation from November 30, 2016, the effective date of the rule, or the 6/3/16?

Response: As discussed in 81 FR 35880, “We did not intend to regulate these limited-use pneumatic pumps and are not including limited-use pneumatic pumps in the definition of pneumatic pump affected facilities that are located at well sites. Specifically, if a pump located at a well site operates for any period of time each day for less than a total of 90 days per year, this limited use pneumatic pump is not an affected facility under this rule.” We intended for the count of “90 days per year” to begin at the effective date of the rule. The effective date is the date for determining if you have an affected facility- it is a statutory date:

CAA 111(a)(2) The term “new source” means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

And

CAA 111(b)(1) Standards of performance or revisions thereof shall become effective upon promulgation

(2) Can we use OGI instead of Method 21 to inspect the pump closed vent system?
Already doing semi-annual OGI for the rest of the new sites.

- Already having to get an OGI camera and OGI camera operator trained.
- Adds more expense to get Method 21 training and Method 21 monitor.
- Some of the state permitting requirements (e.g. WY) currently have fugitive emissions monitoring requirements and provide the flexibility of conducting a OGI leak survey or via a Method 21 inspection.
- We, therefore, request EPA to provide the operator flexibility of conducting a OGI or Method 21 leak survey under the NSPS Subpart OOOOa.

Response: We fully understand the point you are raising. Unfortunately, based on the rule text (60.5416a(a) and (b)) the pump closed vent system specifically requires a Method 21 inspection and doesn't have language that suggests an alternative. The AMEL process for the work practice standards (60.5398a) would allow you to apply for a variance to use OGI for the pump CVS inspection, but you would have to prove that the emission reductions achieved with OGI are equivalent to (or better than) the emission reductions achieved with a Method 21 leak definition of 500 ppm. We understand that this is similar to an issue that was raised in API's petition for reconsideration (page 11). Please note that all of the petitions for reconsideration that EPA received on OOOOa are currently being reviewed by the Agency.

(3) Concern with being able to do Method 21 during freezing temperatures

- The initial method 21 monitoring will have to be done in the November and December time frame (assuming within 60 days of 11/30/16 when the pump requirements are effective).
- We are concerned that the extreme weather conditions (i.e. freezing temperatures and high wind speeds) in areas like WY may prevent us from conducting the Method 21 inspections.
- Also, the annual inspections will have to be done outside of the summer months as these pneumatic pumps are not operated during these pumps.
- Based on operator's data, it is our understanding that OGI leak survey can also be effectively conducted during the winter months.

Response: The timing of the initial Method 21 inspection of the pumps CVS is triggered from the pump standards at 60.5393a, for which the compliance date is November 30, 2016. Therefore, the initial CVS inspection must be conducted by November 30, 2016. The use of the term "annual" (e.g. instead of "every 12 months") does provide for some flexibility. For example, the annual test may be adjusted to a time of year that is more conducive to testing (e.g., not freezing), as long as the annual test takes place no later than 1 year from the initial test and within a reasonable time frame from the prior test. Each subsequent annual test should take place within 1 year from the date of the previous annual test. We encourage you to work with your delegated authority for a mutually agreeable monitoring schedule. We also note that some Method 21 instruments can be used at temperatures below freezing.

(4) Insulation covered CVS question:

- I understand from Jodi that you do not have to monitor components covered by insulation, just the end of the insulation.
- If a leak is found, do we have to remove the insulation to repair the pipe?
- Having to remove insulation to repair could result in freezing of the pipeline since our diaphragm pumps mainly are used for heat trace in the winter.

Response: Here is an alternative monitoring approval, regarding insulated valves:
<https://cfpub.epa.gov/adi/pdf/adi-mact-m090045.pdf> (is this the one you were thinking of?).

Depending on the specifics of your own request for an alternative to the method or the monitoring, either OAQPS or the region will be the appropriate delegated authority with whom to work.

Regarding the repair requirements, if a leak is found, you must do whatever is necessary to fix the leak. Note that 60.5416a(b)(10) allows for delay of repair if the repair is technically infeasible without a shutdown or if you determine that the fugitive emissions likely to result from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. See reference below.

§60.5416a (b)(10) *Delay of repair.* Delay of repair of a closed vent system or cover for which leaks or defects have been detected is allowed if the repair is technically infeasible without a shutdown, or if you determine that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. You must complete repair of such equipment by the end of the next shutdown.

(5) Can components on and near the combustor within range of thermal radiation safe concerns be considered unsafe to monitor with Method 21? With the OGI, this is not a problem because can be away from the equipment to see the leak.

Response: 60.5416a(b)(11) and (12) account for unsafe to inspect requirements and difficult to inspect requirements. The rule language does allow for site specific designations pending that criteria are met. See reference below.

§60.5416a

(11) *Unsafe to inspect requirements.* You may designate any parts of the closed vent system or cover as unsafe to inspect if the requirements in paragraphs (b)(11)(i) and (ii) of this section are met. Unsafe to inspect parts are exempt from the inspection requirements of paragraphs (a)(1) through (3) of this section.

(i) You determine that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraphs (a)(1), (2), or (3) of this section.

(ii) You have a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

(12) *Difficult to inspect requirements.* You may designate any parts of the closed vent system or cover as difficult to inspect, if the requirements in paragraphs (b)(12)(i) and (ii) of this section are met. Difficult to inspect parts are exempt from the inspection requirements of paragraphs (a)(1) through (3) of this section.

- (i) You determine that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface.
- (ii) You have a written plan that requires inspection of the equipment at least once every 5 years.

Amy Hambrick

U.S. Environmental Protection Agency

(919)541-0964

From: Wood, Dana A. [<mailto:Dana.Wood@bp.com>]

Sent: Wednesday, October 26, 2016 9:18 AM

To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Moore, Bruce <Moore.Bruce@epa.gov>

Subject: Pump Questions Status?

Dear Amy and Lisa,

I was wondering if you have been able to get answers on any of the pumps questions that I shared with you on October 13th. Attached is the document that I covered without and my notes from the discussion in blue.

With the compliance date of November 30th fast approaching, answers on these questions as soon as possible would be most appreciated!

Thank you so much for your time and consideration! I hope that you have a great day!

Sincerely,

Dana Wood

Dana Wood, PE

Senior Air Advisor

BP America Production Company

737 N. Eldridge Parkway, 11.137C

Houston, TX 77079

Office: +1 (832) 664-3564

Cell: +1 (713) 679-1815

dana.wood@bp.com

To: Elger, Nicholas[Elger.Nicholas@epa.gov]; Lischinsky, Robert[Lischinsky.Robert@epa.gov]
From: Malave, Maria
Sent: Mon 10/31/2016 4:30:05 PM
Subject: FYI. FW: Petition for Rulemaking, Reconsideration, and Administrative Stay
Petition for Rulemaking, Reconsideration and Administrative Stay - 10-27....pdf

From: Dunkins, Robin
Sent: Thursday, October 27, 2016 6:24 PM
To: Sheppard, Andrew <sheppard.andrew@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Hanks, Katie <hanks.katie@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Vetter, Rick <Vetter.Rick@epa.gov>; Malave, Maria <Malave.Maria@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Eck, Janet <Eck.Janet@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>
Subject: FW: Petition for Rulemaking, Reconsideration, and Administrative Stay

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robins@epa.gov

From: Carol McCabe [<mailto:CMcCabe@mankogold.com>]
Sent: Thursday, October 27, 2016 6:19 PM
To: McCarthy, Gina <McCarthy.Gina@epa.gov>
Cc: McCabe, Janet <McCabe.Janet@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>;

Ward, Hillary <Ward.Hillary@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>;
Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sheppard, Andrew <sheppard.andrew@epa.gov>;
'bss@shanlaw.net' <bss@shanlaw.net>; 'kkraushaar@wasterecycling.org'
<kkraushaar@wasterecycling.org>; 'McGuffey, Carroll Wade'
<mack.mcguffey@troutmansanders.com>

Subject: Petition for Rulemaking, Reconsideration, and Administrative Stay

Dear Administrator McCarthy:

Attached please find a Petition for Rulemaking, Reconsideration, and Administrative Stay of the United States Environmental Protection Agency's Final Rules entitled *Standards of Performance for Municipal Solid Waste Landfills*, 81 Fed. Reg. 59332-59384 (Aug. 29, 2016), and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*, 81 Fed. Reg. 59276-59330 (Aug. 29, 2016), submitted by the following Petitioners: The National Waste & Recycling Association; the Solid Waste Association of North America; Republic Services, Inc.; Waste Management, Inc.; and Waste Management Disposal Services of Pennsylvania, Inc. A hard copy will follow via overnight mail.

Should you have any questions, please contact me at (484) 430-2304 or cmccabe@mankogold.com.

Sincerely,

Carol McCabe

Carol F. McCabe

MANKO | GOLD | KATCHER | FOX LLP

An environmental, energy, litigation, safety and land use law practice

401 City Avenue, Suite 901 | Bala Cynwyd, PA 19004
(w) 484.430.2304 | (m) 484.430.5700 | (f) 484.430.5711

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To: Chapman, Apple[Chapman.Apple@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]; Lischinsky, Robert[Lischinsky.Robert@epa.gov]
Cc: Dubose, Dick[DuBose.Dick@epa.gov]; Segall, Martha[Segall.Martha@epa.gov]
From: Mia, Marcia
Sent: Wed 11/15/2017 3:15:26 PM
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period
EPA NODA Request for Extension of Comment Period 11.14.17.pdf

Heads up - There is a FOIA too for the compliance reports in addition to the letter to the Administrator.

We don't get them- the regions do. Some came into CEDRI and OAQPS will pull those but OAQPS has redirected the FOIA to OECA.

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Cozzie, David
Sent: Wednesday, November 15, 2017 10:12 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

From: Zenick, Elliott
Sent: Wednesday, November 15, 2017 8:15 AM
To: Palmer, Karen <Palmer.Karen@epa.gov>
Cc: Cozzie, David <Cozzie.David@epa.gov>
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

Karen, can you try and help run this down today? David sending your way as an FYI for now but also to see if you know what we got in in the way of compliance reports. Should we be talking to OECA?

From: Schwab, Justin
Sent: Tuesday, November 14, 2017 6:28 PM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: Fwd: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

See below and attached - we should analyze and discuss soonest.

Sent from my iPhone

Begin forwarded message:

From: Peter Zalzal <pzalzal@edf.org>
Date: November 14, 2017 at 6:13:28 PM EST
To: "pruitt.scott@epa.gov" <pruitt.scott@epa.gov>, "minoli.kevin@epa.gov" <minoli.kevin@epa.gov>, "schwab.justin@epa.gov" <schwab.justin@epa.gov>
Subject: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

Dear EPA Officials:

On behalf of the Environmental Defense Fund, Center for Biological Diversity, Clean Air Council, Clean Air Task Force, Earthjustice, Environmental Integrity Project, Environmental Law & Policy Center, National Parks Conservation Association, Natural Resources Defense Council, and Sierra Club, attached please find a letter respectfully

requesting that EPA make public all annual compliance reports submitted by operators of oil and natural gas facilities to EPA as required by 40 C.F.R. Part 60 Subpart OOOOa. We also respectfully request that you extend the period for public comment on EPA's November 8, 2017, notices of data availability on Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements, 82 Fed. Reg. 51,788 (Nov. 8, 2017), and Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements, 81 Fed. Reg. 35,824, (collectively, "the NODAs") for at least 90 days after those reports are made available.

We have also submitted this letter to the public dockets for RIN 2060-AT59 and RIN 2060-AT65 on [regulations.gov](https://www.regulations.gov).

Sincerely yours,

Peter Zalzal

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

To: Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]
From: Mia, Marcia
Sent: Tue 5/30/2017 2:49:15 PM
Subject: FW: Draft Emissions Factors for Enclosed Ground Flares
draft report ef ONG.doc

This is interesting – OAR is under a CD to publish new emissions factors for flares and enclosed combustors at oil and gas sites.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Garwood, Gerri
Sent: Friday, May 26, 2017 11:23 PM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Bouchard, Andrew <Bouchard.Andrew@epa.gov>; Shine, Brenda <Shine.Brenda@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Eisele, Adam <Eisele.Adam@epa.gov>
Cc: Cozzie, David <Cozzie.David@epa.gov>; Lassiter, Penny <Lassiter.Penny@epa.gov>
Subject: Draft Emissions Factors for Enclosed Ground Flares

Hi everyone,

Attached is the draft version of the report documenting the development of three new emissions factors for THC for enclosed ground flares.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The consent decree deadline for posting the proposal is Monday, June 5. Please let me know if you have any comments no later than COB

on Thursday, June 1.

Thanks,

Gerri G. Garwood, P.E.

U.S. Environmental Protection Agency

OAD/OAQPS/SPPD

Measurement Policy Group

Ph: 919-541-2406 Fax: 919-541-3207

To: Sheppard, Andrew[sheppard.andrew@epa.gov]; Costa, Allison[Costa.Allison@epa.gov]; Hanks, Katie[hanks.katie@epa.gov]; Swanson, Nicholas[Swanson.Nicholas@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; Vetter, Rick[Vetter.Rick@epa.gov]; Malave, Maria[Malave.Maria@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]
Cc: Eck, Janet[Eck.Janet@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]
From: Dunkins, Robin
Sent: Thur 10/27/2016 10:24:27 PM
Subject: FW: Petition for Rulemaking, Reconsideration, and Administrative Stay
Petition for Rulemaking, Reconsideration and Administrative Stay - 10-27....pdf

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: Carol McCabe [mailto:CMcCabe@mankogold.com]
Sent: Thursday, October 27, 2016 6:19 PM
To: Mccarthy, Gina <McCarthy.Gina@epa.gov>
Cc: McCabe, Janet <McCabe.Janet@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Ward, Hillary <Ward.Hillary@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sheppard, Andrew <sheppard.andrew@epa.gov>; 'bss@shanlaw.net' <bss@shanlaw.net>; 'kkraushaar@wasterecycling.org' <kkraushaar@wasterecycling.org>; 'McGuffey, Carroll Wade' <mack.mcguffey@troutmansanders.com>
Subject: Petition for Rulemaking, Reconsideration, and Administrative Stay

Dear Administrator McCarthy:

Attached please find a Petition for Rulemaking, Reconsideration, and Administrative Stay of the United States Environmental Protection Agency's Final Rules entitled *Standards of Performance for Municipal Solid Waste Landfills*, 81 Fed. Reg. 59332-59384 (Aug. 29, 2016), and *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*, 81 Fed. Reg. 59276-59330 (Aug. 29, 2016), submitted by the following Petitioners: The National Waste & Recycling Association; the Solid Waste Association of North America; Republic Services, Inc.; Waste Management, Inc.; and Waste Management Disposal Services of Pennsylvania, Inc. A hard copy will follow via overnight mail.

Should you have any questions, please contact me at (484) 430-2304 or cmccabe@mankogold.com.

Sincerely,

Carol McCabe

Carol F. McCabe

MANKO | GOLD | KATCHER | FOX LLP

An environmental, energy, litigation, safety and land use law practice

401 City Avenue, Suite 901 | Bala Cynwyd, PA 19004
(w) 484.430.2304 | (m) 484.430.5700 | (f) 484.430.5711

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To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Messina, Edward
Sent: Wed 4/26/2017 2:15:07 PM
Subject: RE: talking points for Oil and Gas Stay

Thanks.

Ed Messina

Director

Monitoring, Assistance, and Media Programs Division

U.S. EPA

1200 Pennsylvania Ave., N.W. (MC-2227A)

Washington, DC 20460

p: (202) 564-1191

f: (202) 564-0050

From: Mia, Marcia

Sent: Wednesday, April 26, 2017 8:02 AM

To: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward
<Messina.Edward@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>

Subject: FW: talking points for Oil and Gas Stay

FYI, if you want to mention this today in the weekly.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia

Sent: Tuesday, April 25, 2017 12:19 PM

To: Apple Chapman <chapman.apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>

Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward
<Messina.Edward@epa.gov>

Subject: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia
Location: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Brainstorm Oil and Gas issues
Start Date/Time: Wed 11/22/2017 3:00:00 PM
End Date/Time: Wed 11/22/2017 4:00:00 PM
BackgroundonIssues.docx

Let's walk through the issue paper that OAQPS provided and make sure that we have identified all of the OECA issues which we want to brief up.

M

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]
From: Garwood, Gerri
Sent: Wed 11/16/2016 4:05:11 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia is pointing out that in the RTC we said we didn't put performance testing on storage vessels because of retroactive concerns:

Therefore, EPA must remove the proposed §60.5410(h)(4) to clarify that clearly they did not intend to retroactively apply the implementation improvements related to storage vessel initial and periodic testing to storage vessel affected facilities subject to Subpart OOOO.

Response: The EPA did not finalize the proposed addition of §60.5417(h)(4) due to concerns expressed by commenters that this change could be construed to be a retroactive requirement

Ex. 5 - Deliberative Process

Gerri

919-541-2406

From: Thompson, Lisa
Sent: Wednesday, November 16, 2016 11:03 AM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

I'm not sure I understand the RTC issue. Should I set up a call with Elliott? Derek Mills has taken over for Amy on this package, but I'm guessing he's not familiar with this issue..

From: Garwood, Gerri
Sent: Wednesday, November 16, 2016 10:50 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

We fixed this in OOOOa by changing the text in 5412a to be consistent with the NESHAP:

(iii) You must operate at a minimum temperature of 760 °Celsius, provided the control device has demonstrated, during the performance test conducted under §60.5413a(b), that combustion zone temperature is an indicator of destruction efficiency.

Ex. 5 - Deliberative Process

Gerri

919-541-2406

From: Mia, Marcia

Sent: Wednesday, November 16, 2016 9:51 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your rI eviaw

Gerri, let me know.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Using that language, I suggested the following in the

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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“the Agency has a practice to allow such facilities...to conduct and report the results of performance

tests within 60 days from promulgation, unless maximum production rate has not been achieved. In the

latter case, the facility must conduct and submit the results of performance tests no later than 180 days

after final promulgation.”

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia.

Ex. 5 - Deliberative Process

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From: Mia, Marcia

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To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for

your review
Importance: High

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If you track the compliance requirements from 5412(a)(1)(i)-(iv) and (d)(iv)(A)-(D) and 5412a(a)(1)(i)-(iv) and (d)(iv)(A)-(D) to the corresponding test methodology in 5413/5413a, then the one for the temperature option is missing.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I use 5412(a) for example, but it follows for the rest:

(a) Each control device used to meet the emission reduction standard in §60.5380(a)(1) for your centrifugal compressor affected facility must be installed according to paragraphs (a)(1) through (3) of this section. As an alternative, you may install a control device model tested under §60.5413(d), which meets the criteria in §60.5413(d)(11) and §60.5413(e).

(1) Each combustion device (e.g., thermal vapor incinerator, catalytic vapor incinerator, boiler, or process heater) must be designed and operated in accordance with one of the performance requirements specified in paragraphs (a)(1)(i) through (iv) of this section.

(i) You must reduce the mass content of VOC in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(ii) You must reduce the concentration of TOC in the exhaust gases at the outlet to the device to a level equal to or less than 275 parts per million by volume as propane on a wet basis corrected

to 3 percent oxygen as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(iii) You must operate at a minimum temperature of 760 °C for a control device that can demonstrate a uniform combustion zone temperature during the performance test conducted under §60.5413.

Ex. 5 - Deliberative Process

(iv) If a boiler or process heater is used as the control device, then you must introduce the vent stream into the flame zone of the boiler or process heater.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa
Sent: Monday, October 24, 2016 10:01 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Monday, October 24, 2016 9:54:06 AM

To: Mia, Marcia; Branning, Amy

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia –

Ex. 5 - Deliberative Process

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Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

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Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa
Sent: Wednesday, October 19, 2016 12:49:41 PM
To: Branning, Amy
Cc: Mia, Marcia
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa

Sent: Tuesday, October 18, 2016 3:44 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Gerri

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Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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Ex. 5 - Deliberative Process

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Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

Ex. 5 - Deliberative Process

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Thanks,

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Marcia –

Ex. 5 - Deliberative Process

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M

Marcia B Mia

USEPA

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MAMPD/Air Branch

202-564-7042

Mail Code 2223A

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To: Mia, Marcia; Branning, Amy
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Ex. 5 - Deliberative Process

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Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

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To: Branning, Amy

Cc: Mia, Marcia

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Ex. 5 - Attorney Client

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Amy Huang Branning

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fax: (202) 564-5603 or (202) 564-0070

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Ex. 5 - Attorney Client

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1. 5375a(a)(1)(iii) - Separator onsite or otherwise available for use nearby during the entirety of the flowback period
2. 5430a – HF definition
 - a. Hydraulic fracturing means the process of directing pressurized fluids containing any combination of water, proppant, and any added chemicals to penetrate tight formations, such as shale or coal formations, ~~that subsequently require high rate, extended~~ whereby flowback to expels fracture fluids and solids during completions.
3. 5430a - Greenfield
 - a. Greenfield site means a site, other than a natural gas processing plant, which is entirely new construction. Natural gas processing plants are not considered to be greenfield sites, even if they are entirely new construction. A site is no longer considered a greenfield site upon startup of production.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]; Thompson, Lisa[Thompson.Lisa@epa.gov]
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Sent: Wed 11/16/2016 3:50:05 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

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2227A WJCS

U.S. Environmental Protection Agency

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Ex. 5 - Attorney Client

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Ex. 5 - Deliberative Process

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Office of Compliance/Air Branch

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U.S. Environmental Protection Agency

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To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

The formal package is going up on Friday – I need you to sign off on this correction to the separator onsite language tomorrow. Please suggest edits if this fix doesn't fully address your concerns. I've attached our previous discussion of this issue that informed our original response to industry.

Ex. 5 - Deliberative Process

Thanks,

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USEPA

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MAMPD/Air Branch

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Mail Code 2223A

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Mail Code 2223A

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phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]
From: Thompson, Lisa
Sent: Wed 11/16/2016 2:19:23 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia. I'm happy to include this, but need to defer to you and Gerri on making sure this is correct. Gerri – let me know what you think!

From: Mia, Marcia
Sent: Wednesday, November 16, 2016 9:12 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review
Importance: High

I think there is one more correction for the PT in 5413(b)(3)/5413a(b)(3) for the temperature option.

If you track the compliance requirements from 5412(a)(1)(i)-(iv) and (d)(iv)(A)-(D) and 5412a(a)(1)(i)-(iv) and (d)(iv)(A)-(D) to the corresponding test methodology in 5413/5413a, then the one for the temperature option is missing.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I use 5412(a) for example, but it follows for the rest:

(a) Each control device used to meet the emission reduction standard in §60.5380(a)(1) for your centrifugal compressor affected facility must be installed according to paragraphs (a)(1) through (3) of this section. As an alternative, you may install a control device model tested under §60.5413(d), which meets the criteria in §60.5413(d)(11) and §60.5413(e).

Ex. 5 - Deliberative Process

(i) You must reduce the mass content of VOC in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(ii) You must reduce the concentration of TOC in the exhaust gases at the outlet to the device to a level equal to or less than 275 parts per million by volume as propane on a wet basis corrected to 3 percent oxygen as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(iii) You must operate at a minimum temperature of 760 °C for a control device that can demonstrate a uniform combustion zone temperature during the performance test conducted under §60.5413.

Ex. 5 - Deliberative Process

(iv) If a boiler or process heater is used as the control device, then you must introduce the vent stream into the flame zone of the boiler or process heater.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa

Sent: Monday, October 24, 2016 10:01 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for

your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:59 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Monday, October 24, 2016 9:54:06 AM

To: Mia, Marcia; Branning, Amy

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia —

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

other suggestions.

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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From: Thompson, Lisa

Sent: Tuesday, October 18, 2016 3:44 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Ex. 5 - Deliberative Process

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Wed 11/16/2016 1:19:25 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes – thanks so much!

Ex. 5 - Deliberative Process

From: Mia, Marcia
Sent: Wednesday, November 16, 2016 8:18 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

I look at the sharepoint package?

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Tuesday, November 15, 2016 5:41 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for

your review

Marcia –

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa

Sent: Monday, October 24, 2016 10:01 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa
Sent: Monday, October 24, 2016 9:54:06 AM
To: Mia, Marcia; Branning, Amy
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia --

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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From: Thompson, Lisa
Sent: Tuesday, October 18, 2016 3:44 PM
To: Branning, Amy <Branning.Amy@epa.gov>
Subject: Additional items added to the technical corrections and clarifications proposal - for your review
Importance: High

Hi Amy –

Ex. 5 - Deliberative Process

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Tue 11/15/2016 10:41:22 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review
RE: NSPS OOOOa Implementation Questions

Hi Marcia ---

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa

Sent: Monday, October 24, 2016 10:01 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa
Sent: Monday, October 24, 2016 9:54:06 AM
To: Mia, Marcia; Branning, Amy
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia –

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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From: Thompson, Lisa
Sent: Tuesday, October 18, 2016 3:44 PM
To: Branning, Amy <Branning.Amy@epa.gov>
Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Ex. 5 - Deliberative Process

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Cozzie, David
Sent: Wed 11/15/2017 3:11:49 PM
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period
[EPA NODA Request for Extension of Comment Period 11.14.17.pdf](#)
[ATT00001.htm](#)

From: Zenick, Elliott
Sent: Wednesday, November 15, 2017 8:15 AM
To: Palmer, Karen <Palmer.Karen@epa.gov>
Cc: Cozzie, David <Cozzie.David@epa.gov>
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

Karen, can you try and help run this down today? David sending your way as an FYI for now but also to see if you know what we got in in the way of compliance reports. Should we be talking to OECA?

From: Schwab, Justin
Sent: Tuesday, November 14, 2017 6:28 PM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: Fwd: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

See below and attached - we should analyze and discuss soonest.

Sent from my iPhone

Begin forwarded message:

From: Peter Zalzal <pzalzal@edf.org>
Date: November 14, 2017 at 6:13:28 PM EST
To: "'pruitt.scott@epa.gov'" <pruitt.scott@epa.gov>, "'minoli.kevin@epa.gov'" <minoli.kevin@epa.gov>, "'schwab.justin@epa.gov'" <schwab.justin@epa.gov>
Subject: Request to Make Public OOOOa Annual Compliance Reports and to Extend

Oil and Gas NODA Comment Period

Dear EPA Officials:

On behalf of the Environmental Defense Fund, Center for Biological Diversity, Clean Air Council, Clean Air Task Force, Earthjustice, Environmental Integrity Project, Environmental Law & Policy Center, National Parks Conservation Association, Natural Resources Defense Council, and Sierra Club, attached please find a letter respectfully requesting that EPA make public all annual compliance reports submitted by operators of oil and natural gas facilities to EPA as required by 40 C.F.R. Part 60 Subpart OOOOa. We also respectfully request that you extend the period for public comment on EPA's November 8, 2017, notices of data availability on Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements, 82 Fed. Reg. 51,788 (Nov. 8, 2017), and Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements, 81 Fed. Reg. 35,824, (collectively, "the NODAs") for at least 90 days after those reports are made available.

We have also submitted this letter to the public dockets for RIN 2060-AT59 and RIN 2060-AT65 on [regulations.gov](https://www.regulations.gov).

Sincerely yours,

Peter Zalzal

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Garwood, Gerri
Sent: Thur 8/25/2016 5:56:06 PM
Subject: RE: stack height

Thanks Marcia!

Gerri

919-541-2406

From: Mia, Marcia
Sent: Monday, August 22, 2016 9:39 AM
To: Moore, Bruce <Moore.Bruce@epa.gov>; David Hendricks <hendricks.david@ecrweb.com>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: stack height

You are correct Gerri, that there are no initial notifications required for storage. We carved the out at 60.5420a(a)(1). We would get each affected facility (e.g. storage vessel with PTE > 6 tpy) in the annual report –they have to identify each affected facility included in the report.

But until we have the electronic reporting tool it would be cumbersome to pull this info out. He would have to FOIA each region to get it and it would tedious work for the regions.

GHGRR might be a better but the well id won't show up until the 2016 reporting period ends, or March 31, 2017. I don't know what the lag is for posting those but I imagine it is several months.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Moore, Bruce

Sent: Thursday, August 18, 2016 1:33 PM

To: David Hendricks <hendricks.david@ecrweb.com>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Macpherson, Alex <Macpherson.Alex@epa.gov>

Subject: RE: stack height

That's consistent with the exercise we did in 2013 for the SV reconsideration.

Bruce Moore

Senior Technical Advisor - Oil & Natural Gas Sector

Office of Air and Radiation

Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

(919) 541-5460

moore.bruce@epa.gov

For information, visit: www3.epa.gov/airquality/oilandgas

From: David Hendricks [<mailto:hendricks.david@ecrweb.com>]

Sent: Thursday, August 18, 2016 7:55 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Cc: Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: stack height

Lisa – the ICR/Supporting Statement uses 11,100 new storage vessels per year.

David

From: Thompson, Lisa [<mailto:Thompson.Lisa@epa.gov>]
Sent: Wednesday, August 17, 2016 4:55 PM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Cc: David Hendricks (hendricks.david@ecrweb.com) <hendricks.david@ecrweb.com>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Subject: RE: stack height

David, can you share what was developed for the burden estimate?

Alex, what about for the RIA?

From: Garwood, Gerri
Sent: Wednesday, August 17, 2016 4:06 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: stack height

Do we have any data on the number of affected storage vessels for OOOO/OOOOa? I assume this is probably in the reporting/recordkeeping burden ICR for OMB, but didn't know if that was done for OOOOa yet or if was broken down by affected facility?

Marcia, do you know what notification Jeff might be referring to in the second question? This looks akin to a NOCS in the NESHAP, but I don't think we have any notification requirements like that in OOOO/OOOOa, just the annual report (or semiannual in certain cases). Am I wrong?

Gerri

919-541-2406

From: Wilson, Jeffrey [<mailto:JWilson@CimarronEnergy.com>]
Sent: Wednesday, August 17, 2016 3:33 PM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>
Subject: RE: stack height

Ms. Garwood

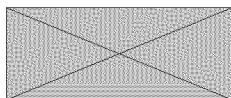
I am trying to ascertain the market for our combustors. Is there any data within EPA that could give me some guidance as to the number of affected sites under OOOO and OOOOa, with particular focus on tank vapor emissions? Second, I believe operators have to report which sites are affected and which have installed control devices – is any of this data publicly available?

I am not looking for anything proprietary of agency confidential and if you have any guidance it would be most appreciated.

Jeff Wilson

Cimarron Energy Inc. | New Products

(Direct) 405.515.8279 | (Cell) 405.245.1665



From: Garwood, Gerri [<mailto:Garwood.Gerri@epa.gov>]
Sent: Tuesday, June 07, 2016 11:18 AM
To: Wilson, Jeffrey
Cc: Mia, Marcia
Subject: RE: stack height

Hi Mr. Wilson,

We are confirming that adding additional stack height to a unit that has passed the manufacturer's performance test is not an issue that would require retesting.

Sincerely,

Gerri G. Garwood, P.E.

U.S. Environmental Protection Agency

OAR/OAQPS/SPPD

Measurement Policy Group

Ph: 919-541-2406 Fax: 919-541-3207

From: Wilson, Jeffrey [<mailto:JWilson@CimarronEnergy.com>]
Sent: Friday, June 03, 2016 4:11 PM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>
Subject: stack height

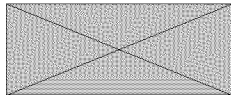
Ms. Garwood

Did you have a chance to consider confirming that some additional stack height would not be considered an issue with our Manufacturer Tested Units?

Jeff Wilson

Cimarron Energy Inc. | New Products

(Direct) 405.515.8279 | (Cell) 405.245.1665



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CONFIDENTIAL This e-mail message, including attachments, contains proprietary or otherwise confidential information owned by Cimarron Energy Inc. Access to and use of this information is strictly limited and controlled by Cimarron Energy Inc. This message and any attachments may not be copied, distributed, or otherwise disclosed outside of Cimarron Energy Inc.'s facilities except under written agreement or other appropriate precautions to maintain the confidentiality hereof, and may not be used in any way not expressly authorized by Cimarron Energy Inc.

This email has been scanned by the Symantec Email Security.cloud service.

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]
Cc: Moore, Bruce[Moore.Bruce@epa.gov]
From: Garwood, Gerri
Sent: Wed 8/24/2016 1:41:50 PM
Subject: RE: Please review - OOOOa technical corrections

Ex. 5 - Deliberative Process

Gerri

919-541-2406

From: Thompson, Lisa
Sent: Wednesday, August 24, 2016 9:02 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>
Cc: Moore, Bruce <Moore.Bruce@epa.gov>
Subject: RE: Please review - OOOOa technical corrections

I'll defer to what the team thinks is best! Gerri – any thoughts? Looping Bruce in on this one.

From: Mia, Marcia
Sent: Wednesday, August 24, 2016 8:58 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>
Subject: RE: Please review - OOOOa technical corrections

This one took me some thinkin'.

Ex. 5 - Deliberative Process

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Wednesday, August 24, 2016 8:14 AM

To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: FW: Please review - OOOOa technical corrections

Gerri, Marcia –

Do you agree with the change Ronnie is proposing? Let me know and I'll add it to the list!

From: Veronica Hanzel [<mailto:hanzel.veronica@ecrweb.com>]

Sent: Tuesday, August 23, 2016 10:37 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>

Cc: priorwood@scainc.com; hendricks.david@ecrweb.com

Subject: RE: Please review - OOOOa technical corrections

Lisa,

I came across something I believe is an incorrect citation during my work on training. We cite a paragraph that refers to vapor recover in a requirement for enclosed combustors. Please see red print below. Please let me know if you concur and I will add it to the technical corrections listing. Thanks.

Ronnie

§60.5417a What are the continuous control device monitoring requirements for my centrifugal compressor and storage vessel affected facilities?

You must meet the applicable requirements of this section to demonstrate continuous compliance for each control device used to meet emission standards for your storage vessel or centrifugal compressor affected facility.

(a) For each control device used to comply with the emission reduction standard for centrifugal compressor affected facilities in §60.5380a(a)(1), you must install and operate a continuous parameter monitoring system for each control device as specified in paragraphs (c) through (g) of this section, except as provided for in paragraph (b) of this section. If you install and operate a flare in accordance with §60.5412a(a)(3), you are exempt from the requirements of paragraphs (e) and (f) of this section. If you install and operate an enclosed combustion device which is not specifically listed in paragraph (d) of this section, you must demonstrate continuous compliance according to paragraphs (h)(1) through (h)(4) [should be (h)(1), (h)(3) and (h)(4) only. see below] of this section.

...

(h) For each control device used to comply with the emission reduction standard in §60.5395a(a)(2) for your storage vessel affected facility, you must demonstrate continuous compliance according to paragraphs (h)(1) through (h)(4) of this section. You are exempt from the requirements of this paragraph if you install a control device model tested in accordance with §60.5413a(d)(2) through (10), which meets the criteria in §60.5413a(d)(11), the reporting requirement in §60.5413a(d)(12), and meet the continuous compliance requirement in §60.5413a(e).

(1) For each combustion device you must conduct inspections at least once every calendar month according to paragraphs (h)(1)(i) through (iv) of this section. Monthly inspections must be separated by at least 14 calendar days.

(i) Conduct visual inspections to confirm that the pilot is lit when vapors are being routed to the combustion device and that the continuous burning pilot flame is operating properly.

(ii) Conduct inspections to monitor for visible emissions from the combustion device using section 11 of EPA Method 22 of appendix A of this part. The observation period shall be 15 minutes. Devices must be operated with no visible emissions, except for periods not to exceed a total of 1 minute during any 15 minute period.

(iii) Conduct olfactory, visual and auditory inspections of all equipment associated with the combustion device to ensure system integrity.

(iv) For any absence of the pilot flame, or other indication of smoking or improper equipment operation (e.g., visual, audible, or olfactory), you must ensure the equipment is returned to proper operation as soon as practicable after the event occurs. At a minimum, you must perform the procedures specified in paragraphs (h)(1)(iv)(A) and (B) of this section.

(A) You must check the air vent for obstruction. If an obstruction is observed, you must clear the obstruction as soon as practicable.

(B) You must check for liquid reaching the combustor.

(2) For each vapor recovery device, you must conduct inspections at least once every calendar month to ensure physical integrity of the control device according to the manufacturer's instructions. Monthly inspections must be separated by at least 14 calendar days.

(3) Each control device must be operated following the manufacturer's written operating instructions, procedures and maintenance schedule to ensure good air pollution control practices for minimizing emissions. Records of the manufacturer's written operating instructions, procedures, and maintenance schedule must be available for inspection as specified in §60.5420a(c)(13).

(4) Conduct a periodic performance test no later than 60 months after the initial performance test as specified in §60.5413a(b)(5)(ii) and conduct subsequent periodic performance tests at intervals no longer than 60 months following the previous periodic performance test.

From: Thompson, Lisa [<mailto:Thompson.Lisa@epa.gov>]
Sent: Monday, August 22, 2016 5:02 PM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Howard, Jodi <Howard.Jodi@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Carey, Angela <carey.angela@epa.gov>; Spells, Charlene <Spells.Charlene@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>
Cc: David Hendricks (hendricks.david@ecrweb.com) <hendricks.david@ecrweb.com>; 'Veronica Hanzel' (hanzel.veronica@ecrweb.com) <hanzel.veronica@ecrweb.com>
Subject: Please review - OOOOa technical corrections

Hi all --

Please review this list of all technical corrections for OOOOa. We plan to brief Peter later this week and draft a notice to correct these in the short-term. Please review, and let me know if you have other items to add to the list, or think items should be removed. I think we have all the issues that have come up through the reconsideration petitions, and implementation questions, but please double check!

Thanks,

Lisa

Ex. 5 - Deliberative Process

Lisa Thompson

Fuels and Incineration Group

Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency

919-541-9775

To: Mia, Marcia[Mia.Marcia@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]
Cc: Moore, Bruce[Moore.Bruce@epa.gov]
From: Thompson, Lisa
Sent: Wed 8/24/2016 1:02:01 PM
Subject: RE: Please review - OOOOa technical corrections

I'll defer to what the team thinks is best! Gerri – any thoughts? Looping Bruce in on this one.

From: Mia, Marcia
Sent: Wednesday, August 24, 2016 8:58 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>
Subject: RE: Please review - OOOOa technical corrections

This one took me some thinkin'.

Ex. 5 - Deliberative Process

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Wednesday, August 24, 2016 8:14 AM

To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: Please review - OOOOa technical corrections

Gerri, Marcia –

Do you agree with the change Ronnie is proposing? Let me know and I'll add it to the list!

From: Veronica Hanzel [mailto:hanzel.veronica@ecrweb.com]
Sent: Tuesday, August 23, 2016 10:37 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: pnorwood@scainc.com; hendricks.david@ecrweb.com
Subject: RE: Please review - OOOOa technical corrections

Lisa,

I came across something I believe is an incorrect citation during my work on training. We cite a paragraph that refers to vapor recover in a requirement for enclosed combustors. Please see red print below. Please let me know if you concur and I will add it to the technical corrections listing. Thanks.

Ronnie

§60.5417a What are the continuous control device monitoring requirements for my centrifugal compressor and storage vessel affected facilities?

You must meet the applicable requirements of this section to demonstrate continuous compliance for each control device used to meet emission standards for your storage vessel or centrifugal compressor affected facility.

(a) For each control device used to comply with the emission reduction standard for centrifugal compressor affected facilities in §60.5380a(a)(1), you must install and operate a continuous parameter monitoring system for each control device as specified

in paragraphs (c) through (g) of this section, except as provided for in paragraph (b) of this section. If you install and operate a flare in accordance with §60.5412a(a)(3), you are exempt from the requirements of paragraphs (e) and (f) of this section. If you install and operate an enclosed combustion device which is not specifically listed in paragraph (d) of this section, you must demonstrate continuous compliance according to paragraphs (h)(1) through (h)(4) [should be (h)(1), (h)(3) and (h)(4) only. see below] of this section.

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(ii) Conduct inspections to monitor for visible emissions from the combustion device using section 11 of EPA Method 22 of appendix A of this part. The observation period shall be 15 minutes. Devices must be operated with no visible emissions, except for periods not to exceed a total of 1 minute during any 15 minute period.

(iii) Conduct olfactory, visual and auditory inspections of all equipment associated with the combustion device to ensure system integrity.

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From: Thompson, Lisa [<mailto:Thompson.Lisa@epa.gov>]

Sent: Monday, August 22, 2016 5:02 PM

To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Howard, Jodi <Howard.Jodi@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Carey, Angela <carey.angela@epa.gov>; Spells, Charlene <Spells.Charlene@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>

Cc: David Hendricks (hendricks.david@ecrweb.com) <hendricks.david@ecrweb.com>; 'Veronica Hanzel' (hanzel.veronica@ecrweb.com) <hanzel.veronica@ecrweb.com>

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but please double check!

Thanks,

Lisa

Ex. 5 - Deliberative Process

Lisa Thompson

Fuels and Incineration Group

Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency

919-541-9775

To: Garwood, Gerri[Garwood.Gerri@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Wed 8/24/2016 12:14:10 PM
Subject: FW: Please review - OOOOa technical corrections

Gerri, Marcia –

Do you agree with the change Ronnie is proposing? Let me know and I'll add it to the list!

From: Veronica Hanzel [mailto:hanzel.veronica@ecrweb.com]
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To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: pnorwood@scainc.com; hendricks.david@ecrweb.com
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From: Thompson, Lisa [<mailto:Thompson.Lisa@epa.gov>]

Sent: Monday, August 22, 2016 5:02 PM

To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Howard, Jodi <Howard.Jodi@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Carey, Angela <carey.angela@epa.gov>; Spells, Charlene <Spells.Charlene@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>

Cc: David Hendricks (hendricks.david@ecrweb.com) <hendricks.david@ecrweb.com>; 'Veronica Hanzel' (hanzel.veronica@ecrweb.com) <hanzel.veronica@ecrweb.com>

Subject: Please review - OOOOa technical corrections

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Thanks,

Lisa

Ex. 5 - Deliberative Process

Lisa Thompson

Fuels and Incineration Group

Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency

919-541-9775

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Chapman, Apple
Sent: Wed 4/26/2017 1:01:35 PM
Subject: Re: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Sent from my iPhone

On Apr 26, 2017, at 8:02 AM, Mia, Marcia <Mia.Marcia@epa.gov> wrote:

Any feedback from Susan? We will discuss with David today at our weekly.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Chapman, Apple
Sent: Tuesday, April 25, 2017 12:54 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: talking points for Oil and Gas Stay

Thank you.

Ms. Apple Chapman |Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW, Washington DC, 20004 |202-564-5666 (office)|202-841-6076 (mobile)|

From: Mia, Marcia
Sent: Tuesday, April 25, 2017 12:19 PM
To: Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory
<Fried.Gregory@epa.gov>
Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward
<Messina.Edward@epa.gov>
Subject: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Chapman, Apple
Sent: Tue 4/25/2017 4:54:09 PM
Subject: RE: talking points for Oil and Gas Stay

Thank you.

Ms. Apple Chapman |Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW, Washington DC, 20004 |202-564-5666 (office)|202-841-6076 (mobile)|

From: Mia, Marcia
Sent: Tuesday, April 25, 2017 12:19 PM
To: Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>
Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: talking points for Oil and Gas Stay

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Caballero, Kathryn
Sent: Thur 8/18/2016 4:15:33 PM
Subject: FW: Compliance Timing Question in NSPS OOOO due to amendment

Marcia, did you receive an answer to your question? I'm happy to work with you on this, but I suspect you are out of the office today and tomorrow. I'm on vacation next week, but can discuss when I get back. Thanks.

Kathryn Pirrotta Caballero

Attorney-Advisor

U.S. EPA Office of Civil Enforcement

Air Enforcement Division

(w) 202-564-1849

Mailing address:

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW (2242A)

Washington, DC 20460

Courier and express deliveries:

U.S. Environmental Protection Agency

Clinton Building - South

1200 Pennsylvania Avenue, NW

Room 1147A

Washington, DC 20004

From: Sullivan, Tim
Sent: Wednesday, August 03, 2016 4:07 PM
To: Caballero, Kathryn <Caballero.Kathryn@epa.gov>
Subject: FW: Compliance Timing Question in NSPS OOOO due to amendment

Timothy J. Sullivan
Air Enforcement Division
Office of Civil Enforcement

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2242A)
Washington, D.C. 20460

Phone: 202.564.2723 | Email: sullivan.tim@epa.gov

Help eliminate environmental violations - report tips and complaints at:
<http://www.epa.gov/compliance/complaints/index.html>

NOTICE: This message may contain deliberative, attorney-client, attorney work product, or otherwise privileged material. Do not release this message under FOIA without appropriate review. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments from your machine and all storage media whether in electronic or hard copy. Thank you.

From: Mia, Marcia
Sent: Wednesday, August 03, 2016 2:43 PM
To: Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>
Subject: Compliance Timing Question in NSPS OOOO due to amendment

NSPS OOOO used to have (2011 rule) performance test requirements for control devices used to control emissions from storage tanks. Under pressure from industry, in the 2013 amendments we

removed the PT requirement and made them do a design for instead. We said we would revisit this at a later date.

In the 2015 proposed amendments, we proposed to re-instate the PT requirements for storage vessels using control devices and also proposed to require a re-test every five years. (The language is a bit murky, but OGC and OAQPS agree our intent was clear.) We finalized the same language.

So, effective Aug 2, 2016 o/o who use control devices which are not tested by the manufacturer have to do PT initially and once every five years.

Ex. 5 - Deliberative Process

Thanks.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Tue 11/1/2016 9:47:26 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa
Sent: Monday, October 24, 2016 10:01 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa
Sent: Monday, October 24, 2016 9:54:06 AM
To: Mia, Marcia; Branning, Amy
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia –

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa
Sent: Tuesday, October 18, 2016 3:44 PM
To: Branning, Amy <Branning.Amy@epa.gov>
Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Ex. 5 - Deliberative Process

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hambrick, Amy
Location: RTP-E101-Max40/RTP-Bldg-E
Importance: Normal
Subject: iuiuiPre-meet to prep for Schlumberger
Start Date/Time: Mon 8/8/2016 2:30:00 PM
End Date/Time: Mon 8/8/2016 3:30:00 PM
Questions for EPA Meeting Aug 8 v2 JW edits 8-8.docx

Amy,

The meeting has gotten so popular that a number of other Schlumberger employees have asked to attend. I hope this won't be a problem for you.

Below is a list of those folks and driver license details as well as topics to cover.

Attendees:

- Drew Pomerantz, Program Manager, Schlumberger Research Center (State ID: MA)
- Robert Kleinberg, Fellow, Schlumberger Research Center (State ID: MA)
- Samantha Cready, Sustainability Specialist (State ID: PA)
- Judy Carley, Manager, North America Environment & Regulatory Affairs (State ID: TX)
- Ron Manson, Fellow, Valves & Measurements, Cameron (State ID: TX)
- Christina Karapataki, Venture Principal, Early Stage Technology Investments (State ID: TX)
- Eric Washburn

We would like to keep the focus of the discussion on the LDAR process for fugitive emissions:

Key Objectives:

- Get a better understanding of how EPA expects the Rule to be implemented by the industry
- Obtain information on the approved technologies and what new technology methods may be approved in the future
- Understand how the EPA plans to monitor and enforce LDAR plans

Attached is a list of questions that can be used as guidelines for the discussion. We will also plan on giving a short overview at the beginning of the meeting about Schlumberger and our research activities in the area of spectroscopy as it relates to gas monitoring.

Please let me know if you need something else. My driver license is issued in Colorado, where I live.

Finally, do you have a list of EPA folks attending?

Thanks again. Best regards,

Eric

From: Thompson, Lisa
Location: 1958
Importance: Normal
Subject: OOOOa technical corrections - 5413a
Start Date/Time: Tue 9/20/2016 3:30:00 PM
End Date/Time: Tue 9/20/2016 4:00:00 PM
RE: 40 CFR 60 OOOO - Enclosed Combustion Device Performance Testing Requirements for Storage Vessels

To discuss the proposed technical correction to 5413a (see below and attached email thread). Amy B pointed out that this was intentionally removed in 2013 (NSPS 1). Let's discuss if any technical correction is appropriate here.

Thanks,
Lisa

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Witosky, Matthew
Sent: Wed 10/12/2016 7:19:54 PM
Subject: FW: technical correction possible candidate change

I will try to see how this can work out

From: Hambrick, Amy
Sent: Wednesday, October 12, 2016 3:08 PM
To: Witosky, Matthew <Witosky.Matthew@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: technical correction possible candidate change

Hi Matt- Yes, the technical corrections draft includes both OOOO and OOOOa typographical errors. Thanks for double checking. If you think of anything else that could fall into this bin, send a shout out.

Amy

Amy Hambrick

U.S. Environmental Protection Agency

(919)541-0964

From: Witosky, Matthew
Sent: Wednesday, October 12, 2016 11:59 AM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: technical correction possible candidate change

This is a OOOO correction, which I don't know whether we are willing to do in this same action.

From: Hambrick, Amy
Sent: Wednesday, October 12, 2016 11:16 AM
To: Witosky, Matthew <Witosky.Matthew@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: technical correction possible candidate change

Thanks Matt. This is being tracked in the tech corrections draft on sharepoint.

Amy

Amy Hambrick

U.S. Environmental Protection Agency

(919)541-0964

From: Witosky, Matthew
Sent: Tuesday, October 11, 2016 9:35 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>
Subject: technical correction possible candidate change

From: Mia, Marcia
Sent: Wednesday, August 03, 2016 8:56 AM
To: Witosky, Matthew <Witosky.Matthew@epa.gov>; Garwood, Gerri

<Garwood.Gerri@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>
Subject: RE: 40 CFR 60 OOOO - Enclosed Combustion Device Performance Testing Requirements for Storage Vessels
Importance: High

Amy and I discussed this yesterday. I intend to let Bill know of this discussion of intent in the proposal and final rule. **Let me know if you have an issue with this.**

From 80 FR 56645 “Implementation Improvements”

“After evaluating those streamlined requirements and other potential options

We believe that performance testing of enclosed combustors is necessary to assure that they are achieving the required 95% control.” And

“As proposed, initial and ongoing performance testing will be required for any enclosed combustor used to comply with the emissions standard for an affected facility whose make and model are not listed on the EPA Oil and Natural Gas Web site...”

The proposed language at 60.5412(d)(1) includes in paragraphs (A)-(B) – “determination in accordance with the requirements of 60.5413” and paragraph (C) – “demonstrate...during the performance test conducted under 60.5413.”

We did not propose to change the intro paragraph to 60.5413 – which reads “This section applies to the performance testing of control devices used to demonstrate compliance with the emissions standards for your centrifugal compressor affected facility.”

In RTC (See Chapter 14 page 14-3/pdf page 3) Commenter 93 noted similarly to what I had noted - the disconnect between the requirement to PT in 60.5412(d) and the PT requirements in 60.5413 which appear only to apply to centrifugal compressors by the intro sentence. Our response was:

“The EPA disagrees with the commenter’s assertion that 60.5413(b) does not apply to storage vessel affected facilities. The statement in the introductory paragraph to 60.5413 (“In addition, this section contains requirements for enclosed combustion device performance tests conducted by the manufacturer applicable to both storage vessel and centrifugal compressor affected facilities”) does not make 60.5413(b) inapplicable to affected facilities that are performance tested by the operator. The EPA considers 60.5413(b) applicable because the heading to the section states “What are the performance testing procedures for control devices used to demonstrate compliance with my storage vessel or centrifugal compressor affected facility?”

No further discussion is found in the preamble to the final rule, and the language to 60.5412(d) was finalized as proposed.

Ex. 5 - Deliberative Process

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

Matthew Witosky

Fuels and Incineration Group

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

EPA, RTP NC

919-541-2865

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Mon 5/15/2017 10:29:24 PM
Subject: RE: How to implement 90 day stay
RE: Touch base - Oil and Gas Stay

Actually, thinking about your “cited to” question – I think the answer is yes, which is why we were so thorough on the fugitives originally (and I tried to copy that for pumps and PE). Is there any section we’re missing if the answer is yes? I thought I got them all!

Resending my reg text table ☺

Thanks Marcia!

From: Thompson, Lisa
Sent: Monday, May 15, 2017 6:27 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>
Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>
Subject: RE: How to implement 90 day stay

I’ll also defer to OGC on your first two questions Marcia.

Ex. 5 - Deliberative Process

From: Mia, Marcia
Sent: Monday, May 15, 2017 4:12 PM
To: Branning, Amy <Branning.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Marsh,

Karen <Marsh.Karen@epa.gov>

Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Subject: RE: How to implement 90 day stay

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Branning, Amy

Sent: Monday, May 15, 2017 2:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Marsh, Karen

<Marsh.Karen@epa.gov>

Cc: Zenick, Elliott <Zenick.Elliott@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Subject: RE: How to implement 90 day stay

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Mia, Marcia

Sent: Monday, May 15, 2017 2:42 PM

To: Branning, Amy <Branning.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>

Subject: RE: How to implement 90 day stay

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Branning, Amy

Sent: Thursday, May 11, 2017 12:11 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>

Subject: RE: How to implement 90 day stay

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa

Sent: Monday, April 24, 2017 10:34 AM

To: Branning, Amy <Branning.Amy@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>

Subject: RE: How to implement 90 day stay

Thanks everyone! Here's the link to the FR notice.

Ex. 5 - Deliberative Process

-----Original Appointment-----

From: Thompson, Lisa

Sent: Thursday, April 20, 2017 10:20 AM

To: Thompson, Lisa; Branning, Amy; Mills, Derek; Mia, Marcia; Amy Hambrick (Hambrick.Amy@epa.gov); Karen Marsh (Marsh.Karen@epa.gov); RTP-Line-541-1958/Phone-Line/RTP-Conf-Bridge

Subject: How to implement 90 day stay

When: Monday, April 24, 2017 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).

Where: 919-541-1958

Amy B suggested meeting with the whole team to discuss how to write the amendatory text that implements the 90 day stay of fugitives

Ex. 5 - Deliberative Process

I pulled out a few sections of the fugitives reg text for our discussion – attached and below.

5397a

For each affected facility under §60.5365a(i) and (j), you must reduce GHG (in the form of a limitation on emissions of methane) and VOC emissions by complying with the requirements of paragraphs (a) through (j) of this section. These requirements are independent of the closed vent system and cover requirements in §60.5411a.

(a) You must monitor all fugitive emission components, as defined in §60.5430a, in accordance with paragraphs (b) through (g) of this section. You must repair all sources of fugitive emissions in accordance with paragraph (h) of this section. You must keep records in accordance with paragraph (i) of this section and report in accordance with paragraph (j) of this section. For purposes of this section, fugitive emissions are defined as: Any visible emission from a fugitive emissions component observed using optical gas imaging or an instrument reading of 500 ppm or greater using Method 21.

(b) You must develop an emissions monitoring plan that covers the collection of fugitive emissions components at well sites and compressor stations within each company-defined area in accordance with paragraphs (c) and (d) of this section.

(c) Fugitive emissions monitoring plans must include the elements specified in paragraphs (c)(1) through (8) of this section, at a minimum.

(1) Frequency for conducting surveys. Surveys must be conducted at least as frequently as required by paragraphs (f) and (g) of this section.

(2) Technique for determining fugitive emissions (i.e., Method 21 at 40 CFR part 60, appendix A-7, or optical gas imaging).

(3) Manufacturer and model number of fugitive emissions detection equipment to be used.

(4) Procedures and timeframes for identifying and repairing fugitive emissions components from which fugitive emissions are detected, including timeframes for fugitive emission components that are unsafe to repair. Your repair schedule must meet the requirements of paragraph (h) of this section at a minimum.

(5) Procedures and timeframes for verifying fugitive emission component repairs.

(6) Records that will be kept and the length of time records will be kept.

(7) If you are using optical gas imaging, your plan must also include the elements specified in paragraphs (c)(7)(i) through (vii) of this section.

(i) Verification that your optical gas imaging equipment meets the specifications of paragraphs (c)(7)(i)(A) and (B) of this section. This verification is an initial verification and may either be performed by the facility, by the manufacturer, or by a third party. For the purposes of complying with the fugitives emissions monitoring program with optical gas imaging, a fugitive emission is defined as any visible emissions observed using optical gas imaging.

(A) Your optical gas imaging equipment must be capable of imaging gases in the spectral range for the compound of highest concentration in the potential fugitive emissions.

(B) Your optical gas imaging equipment must be capable of imaging a gas that is half methane, half propane at a concentration of 10,000 ppm at a flow rate of $\leq 60\text{g/hr}$ from a quarter inch diameter orifice.

(ii) Procedure for a daily verification check.

(iii) Procedure for determining the operator's maximum viewing distance from the equipment and how the operator will ensure that this distance is maintained.

(iv) Procedure for determining maximum wind speed during which monitoring can be performed and how the operator will ensure monitoring occurs only at wind speeds below this threshold.

(v) Procedures for conducting surveys, including the items specified in paragraphs (c)(7)(v)(A) through (C) of this section.

(A) How the operator will ensure an adequate thermal background is present in order to view potential fugitive emissions.

(B) How the operator will deal with adverse monitoring conditions, such as wind.

(C) How the operator will deal with interferences (e.g., steam).

(vi) Training and experience needed prior to performing surveys.

(vii) Procedures for calibration and maintenance. At a minimum, procedures must comply with those recommended by the manufacturer.

(8) If you are using Method 21 of appendix A-7 of this part, your plan must also include the elements specified in paragraphs (c)(8)(i) and (ii) of this section. For the purposes of complying with the fugitive emissions monitoring program using Method 21 a fugitive emission is defined as an instrument reading of 500 ppm or greater.

(i) Verification that your monitoring equipment meets the requirements specified in Section 6.0 of Method 21 at 40 CFR part 60, appendix A-7. For purposes of instrument capability, the fugitive emissions definition shall be 500 ppm or greater methane using a FID-based instrument. If you wish to use an analyzer other than a FID-based instrument, you must develop a site-specific fugitive emission definition that would be equivalent to 500 ppm methane using a FID-based instrument (e.g., 10.6 eV PID with a specified isobutylene concentration as the fugitive emission definition would provide equivalent response to your compound of interest).

(ii) Procedures for conducting surveys. At a minimum, the procedures shall ensure that the surveys comply with the relevant sections of Method 21 at 40 CFR part 60, appendix A-7, including Section 8.3.1.

(d) Each fugitive emissions monitoring plan must include the elements specified in paragraphs (d)(1) through (4) of this section, at a minimum, as applicable.

(1) Sitemap.

(2) A defined observation path that ensures that all fugitive emissions components are within sight of the path. The observation path must account for interferences.

(3) If you are using Method 21, your plan must also include a list of fugitive emissions components to be monitored and method for determining location of fugitive emissions components to be monitored in the field (e.g. tagging, identification on a process and instrumentation diagram, etc.).

(4) Your plan must also include the written plan developed for all of the fugitive emission components designated as difficult-to-monitor in accordance with paragraph (g)(3)(i) of this section, and the written plan for fugitive emission components designated as unsafe-to-monitor in accordance with paragraph (g)(3)(ii) of this section.

(e) Each monitoring survey shall observe each fugitive emissions component, as defined in §60.5430a, for fugitive emissions.

(f)(1) You must conduct an initial monitoring survey within 60 days of the startup of production, as defined in §60.5430a, for each collection of fugitive emissions components at a new well site or by June 3, 2017, whichever is later. For a modified collection of fugitive emissions components at a well site, the initial monitoring survey must be conducted within 60 days of the first day of production for each collection of fugitive emission components after the modification or by June 3, 2017, whichever is later.

(2) You must conduct an initial monitoring survey within 60 days of the startup of a new compressor station for each new collection of fugitive emissions components at the new compressor station or by June 3, 2017, whichever is later. For a modified collection of fugitive components at a compressor station, the initial monitoring survey must be conducted within 60 days of the modification or by June 3, 2017, whichever is later.

(g) A monitoring survey of each collection of fugitive emissions components at a well site or at a compressor station must be performed at the frequencies specified in paragraphs (g)(1) and (2) of this section, with the exceptions noted in paragraphs (g)(3) and (4) of this section.

(1) A monitoring survey of each collection of fugitive emissions components at a well site within a company-defined area must be conducted at least semiannually after the initial survey. Consecutive semiannual monitoring surveys must be conducted at least 4 months apart.

(2) A monitoring survey of the collection of fugitive emissions components at a compressor station within a company-defined area must be conducted at least quarterly after the initial survey. Consecutive quarterly monitoring surveys must be conducted at least 60 days apart.

(3) Fugitive emissions components that cannot be monitored without elevating the monitoring personnel more than 2 meters above the surface may be designated as difficult-to-monitor. Fugitive emissions components that are designated difficult-to-monitor must meet the specifications of paragraphs (g)(3)(i) through (iv) of this section.

(i) A written plan must be developed for all of the fugitive emissions components designated difficult-to-monitor. This written plan must be incorporated into the fugitive emissions monitoring plan required by paragraphs (b), (c), and (d) of this section.

(ii) The plan must include the identification and location of each fugitive emissions component designated as difficult-to-monitor.

(iii) The plan must include an explanation of why each fugitive emissions component designated as difficult-to-monitor is difficult-to-monitor.

(iv) The plan must include a schedule for monitoring the difficult-to-monitor fugitive emissions components at least once per calendar year.

(4) Fugitive emissions components that cannot be monitored because monitoring personnel would be exposed to immediate danger while conducting a monitoring survey may be designated as unsafe-to-monitor. Fugitive emissions components that are designated unsafe-to-monitor must meet the specifications of paragraphs (g)(4)(i) through (iv) of this section.

(i) A written plan must be developed for all of the fugitive emissions components designated unsafe-to-monitor. This written plan must be incorporated into the fugitive emissions monitoring plan required by paragraphs (b), (c), and (d) of this section.

(ii) The plan must include the identification and location of each fugitive emissions component designated as unsafe-to-monitor.

- (iii) The plan must include an explanation of why each fugitive emissions component designated as unsafe-to-monitor is unsafe-to-monitor.
- (iv) The plan must include a schedule for monitoring the fugitive emissions components designated as unsafe-to-monitor.
- (5) The requirements of paragraph (g)(2) of this section are waived for any collection of fugitive emissions components at a compressor station located within an area that has an average calendar month temperature below 0°Fahrenheit for two of three consecutive calendar months of a quarterly monitoring period. The calendar month temperature average for each month within the quarterly monitoring period must be determined using historical monthly average temperatures over the previous three years as reported by a National Oceanic and Atmospheric Administration source or other source approved by the Administrator. The requirements of paragraph (g)(2) of this section shall not be waived for two consecutive quarterly monitoring periods.
- (h) Each identified source of fugitive emissions shall be repaired or replaced in accordance with paragraphs (h)(1) and (2) of this section. For fugitive emissions components also subject to the repair provisions of §§60.5416a(b)(9) through (12) and (c)(4) through (7), those provisions apply instead to those closed vent system and covers, and the repair provisions of paragraphs (h)(1) and (2) of this section do not apply to those closed vent systems and covers.
- (1) Each identified source of fugitive emissions shall be repaired or replaced as soon as practicable, but no later than 30 calendar days after detection of the fugitive emissions.
- (2) If the repair or replacement is technically infeasible, would require a vent blowdown, a compressor station shutdown, a well shutdown or well shut-in, or would be unsafe to repair during operation of the unit, the repair or replacement must be completed during the next compressor station shutdown, well shutdown, well shut-in, after an unscheduled, planned or emergency vent blowdown or within 2 years, whichever is earlier.
- (3) Each repaired or replaced fugitive emissions component must be resurveyed as soon as practicable, but no later than 30 days after being repaired, to ensure that there are no fugitive emissions.
- (i) For repairs that cannot be made during the monitoring survey when the fugitive emissions are initially found, the operator may resurvey the repaired fugitive emissions components using either Method 21 or optical gas imaging within 30 days of finding such fugitive emissions.
- (ii) For each repair that cannot be made during the monitoring survey when the fugitive emissions are initially found, a digital photograph must be taken of that component or the component must be tagged for identification purposes. The digital photograph must include the date that the photograph was taken, must clearly identify the component by location within the site (e.g., the latitude and longitude of the component or by other descriptive landmarks visible in the picture).
- (iii) Operators that use Method 21 to resurvey the repaired fugitive emissions components are subject to the resurvey provisions specified in paragraphs (h)(3)(iii)(A) and (B) of this section.
- (A) A fugitive emissions component is repaired when the Method 21 instrument indicates a concentration of less than 500 ppm above background or when no soap bubbles are observed when the alternative screening procedures specified in section 8.3.3 of Method 21 are used.
- (B) Operators must use the Method 21 monitoring requirements specified in paragraph (c)(8)(ii) of this section or the alternative screening procedures specified in section 8.3.3 of Method 21.

(iv) Operators that use optical gas imaging to resurvey the repaired fugitive emissions components, are subject to the resurvey provisions specified in paragraphs (h)(3)(iv)(A) and (B) of this section.

(A) A fugitive emissions component is repaired when the optical gas imaging instrument shows no indication of visible emissions.

(B) Operators must use the optical gas imaging monitoring requirements specified in paragraph (c)(7) of this section.

(i) Records for each monitoring survey shall be maintained as specified §60.5420a(c)(15).

(j) Annual reports shall be submitted for each collection of fugitive emissions components at a well site and each collection of fugitive emissions components at a compressor station that include the information specified in §60.5420a(b)(7). Multiple collection of fugitive emissions components at a well site or at a compressor station may be included in a single annual report.

5420a(b) – reporting

The initial annual report is due no later than 90 days after the end of the initial compliance period as determined according to §60.5410a.

(7) For the collection of fugitive emissions components at each well site and the collection of fugitive emissions components at each compressor station within the company-defined area, the records of each monitoring survey including the information specified in paragraphs (b)(7)(i) through (xii) of this section. For the collection of fugitive emissions components at a compressor station, if a monitoring survey is waived under §60.5397a(g)(5), you must include in your annual report the fact that a monitoring survey was waived and the calendar months that make up the quarterly monitoring period for which the monitoring survey was waived.

(i) Date of the survey.

(ii) Beginning and end time of the survey.

(iii) Name of operator(s) performing survey. If the survey is performed by optical gas imaging, you must note the training and experience of the operator.

(iv) Ambient temperature, sky conditions, and maximum wind speed at the time of the survey.

(v) Monitoring instrument used.

(vi) Any deviations from the monitoring plan or a statement that there were no deviations from the monitoring plan.

(vii) Number and type of components for which fugitive emissions were detected.

(viii) Number and type of fugitive emissions components that were not repaired as required in §60.5397a(h).

(ix) Number and type of difficult-to-monitor and unsafe-to-monitor fugitive emission components

monitored.

(x) The date of successful repair of the fugitive emissions component.

(xi) Number and type of fugitive emission components placed on delay of repair and explanation for each delay of repair.

(xii) Type of instrument used to resurvey a repaired fugitive emissions component that could not be repaired during the initial fugitive emissions finding.

5420a(c) – recordkeeping

Recordkeeping requirements. You must maintain the records identified as specified in §60.7(f) and in paragraphs (c)(1) through (16) of this section. All records required by this subpart must be maintained either onsite or at the nearest local field office for at least 5 years. Any records required to be maintained by this subpart that are submitted electronically via the EPA's CDX may be maintained in electronic format.

(15) For each collection of fugitive emissions components at a well site and each collection of fugitive emissions components at a compressor station, the records identified in paragraphs (c)(15)(i) through (iii) of this section.

(i) The fugitive emissions monitoring plan as required in §60.5397a(b), (c), and (d).

(ii) The records of each monitoring survey as specified in paragraphs (c)(15)(ii)(A) through (I) of this section.

(A) Date of the survey.

(B) Beginning and end time of the survey.

(C) Name of operator(s) performing survey. You must note the training and experience of the operator.

(D) Monitoring instrument used.

(E) When optical gas imaging is used to perform the survey, one or more digital photographs or videos, captured from the optical gas imaging instrument used for conduct of monitoring, of each required monitoring survey being performed. The digital photograph must include the date the photograph was taken and the latitude and longitude of the collection of fugitive emissions components at a well site or collection of fugitive emissions components at a compressor station imbedded within or stored with the digital file. As an alternative to imbedded latitude and longitude within the digital file, the digital photograph or video may consist of an image of the monitoring survey being performed with a separately operating GPS device within the same digital picture or video, provided the latitude and longitude output of the GPS unit can be clearly read in the digital image.

(F) Fugitive emissions component identification when Method 21 is used to perform the monitoring survey.

(G) Ambient temperature, sky conditions, and maximum wind speed at the time of the survey.

(H) Any deviations from the monitoring plan or a statement that there were no deviations from the

monitoring plan.

(I) Documentation of each fugitive emission, including the information specified in paragraphs (c)(15)(ii)(I)(1) through (12) of this section.

(1) Location.

(2) Any deviations from the monitoring plan or a statement that there were no deviations from the monitoring plan.

(3) Number and type of components for which fugitive emissions were detected.

(4) Number and type of difficult-to-monitor and unsafe-to-monitor fugitive emission components monitored.

(5) Instrument reading of each fugitive emissions component that requires repair when Method 21 is used for monitoring.

(6) Number and type of fugitive emissions components that were not repaired as required in §60.5397a(h).

(7) Number and type of components that were tagged as a result of not being repaired during the monitoring survey when the fugitive emissions were initially found as required in §60.5397a(h)(3)(ii).

(8) If a fugitive emissions component is not tagged, a digital photograph or video of each fugitive emissions component that could not be repaired during the monitoring survey when the fugitive emissions were initially found as required in §60.5397a(h)(3)(ii). The digital photograph or video must clearly identify the location of the component that must be repaired. Any digital photograph or video required under this paragraph can also be used to meet the requirements under paragraph (c)(15)(ii)(E) of this section, as long as the photograph or video is taken with the optical gas imaging instrument, includes the date and the latitude and longitude are either imbedded or visible in the picture.

(9) Repair methods applied in each attempt to repair the fugitive emissions components.

(10) Number and type of fugitive emission components placed on delay of repair and explanation for each delay of repair.

(11) The date of successful repair of the fugitive emissions component.

(12) Instrumentation used to resurvey a repaired fugitive emissions component that could not be repaired during the initial fugitive emissions finding.

(iii) For the collection of fugitive emissions components at a compressor station, if a monitoring survey is waived under §60.5397a(g)(5), you must maintain records of the average calendar month temperature, including the source of the information, for each calendar month of the quarterly monitoring period for which the monitoring survey was waived.

5410a

You must determine initial compliance with the standards for each affected facility using the requirements

in paragraphs (a) through (j) of this section. The initial compliance period begins on August 2, 2016, or upon initial startup, whichever is later, and ends no later than 1 year after the initial startup date for your affected facility or no later than 1 year after August 2, 2016. The initial compliance period may be less than one full year.

(j) To achieve initial compliance with the fugitive emission standards for each collection of fugitive emissions components at a well site and each collection of fugitive emissions components at a compressor station, you must comply with paragraphs (j)(1) through (5) of this section.

(1) You must develop a fugitive emissions monitoring plan as required in §60.5397a(b)(c), and (d).

(2) You must conduct an initial monitoring survey as required in §60.5397a(f).

(3) You must maintain the records specified in §60.5420a(c)(15).

(4) You must repair each identified source of fugitive emissions for each affected facility as required in §60.5397a(h).

(5) You must submit the initial annual report for each collection of fugitive emissions components at a well site and each collection of fugitive emissions components at a compressor station compressor station as required in §60.5420a(b)(1) and (7).

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Tue 1/10/2017 5:35:23 PM
Subject: RE: Dominion --- Wet Seal Interpretation

Thanks, I'll have Dominion reach out to R4. This email chain includes my letter to Denis – I wanted him to have your initial thoughts.

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Mia, Marcia
Sent: Tuesday, January 10, 2017 12:22 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Dominion --- Wet Seal Interpretation

Forward me your standalone email to Denis and I will give him another heads up, but yes, it is a regional issue and Dominion should write to them – or you can have your DD put a cover letter on the one you got and send it down to Dick Dubose.

But I think ✓

Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

What do you think? I can ask a couple of our enforcement folks here and we can also ask R8 what they think?

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Tuesday, January 10, 2017 11:29 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: Dominion --- Wet Seal Interpretation

Marcia – I was hoping you could take a quick look at this too. I think your recommendation from November stands, and this is a regional issue. Should I tell Dominion to formally submit this to Region 4?

I haven't yet heard back from Denis on this issue.

Thanks,

Lisa

From: Thompson, Lisa
Sent: Thursday, January 05, 2017 3:43 PM
To: Kler, Denis <Kler.Denis@epa.gov>
Subject: Dominion --- Wet Seal Interpretation

Hi Denis –

Please see Dominion's official letter, along with the string of emails below. We briefly discussed this before the holidays, but to summarize: Dominion is building a OOOOa affected compressor, and planning to comply with the 95% reduction requirement by routing compressor emissions to a process.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Do you agree with my interpretation, and what would the next steps be on your end?

Thanks!

Lisa

From: Mia, Marcia

Sent: Tuesday, November 22, 2016 1:32 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: RE: Wet Seal Interpretation

1. That is a good one –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

2. Denis Kler in Region 4 is a good start

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

-----Original Message-----

From: Thompson, Lisa

Sent: Tuesday, November 22, 2016 12:10 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: FW: Wet Seal Interpretation

Marcia -- two quick questions:

1) Does Dominion need to submit a full AD to route their compressor to a VRU?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

2) Do you have an Oil and Gas contact in R4?

Thanks,

Lisa

-----Original Message-----

From: Lisa S Beal (Services - 6) [<mailto:Lisa.S.Beal@dom.com>]

Sent: Tuesday, November 22, 2016 10:57 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: Howard, Jodi <Howard.Jodi@epa.gov>

Subject: FW: Wet Seal Interpretation

Hi Lisa -

I sent this message to Jodi Howard last week but I'm now wondering if I should have addressed it to you. We would like to submit an applicability determination request regarding the use of a vapor recovery system as a control system for OOOOa compliance purposes.

Before submitting the letter I'd like to verify the format and process to. Can you address my below questions?

Thank you in advance,

Lisa

Lisa S. Beal

Dominion Resources Services, Inc.

(O) - (804) 273-4608

(M) - (804)489-4046

Tie 8- 730-4608

-----Original Message-----

From: Lisa S Beal (Services - 6)

Sent: Friday, November 18, 2016 5:50 AM

To: jodi Howard

Cc: Anand Yegnan (Services - 6); Alice G Prior (Services - 6)

Subject: Wet Seal Interpretation

Hello Jodi

When Dominion met with EPA last Spring, we briefly discussed how a wet seal compressor configuration might be addressed under the NSPS OOOOa rules. Specifically, we sought clarification whether a vapor recovery system associated with the compressor is considered to "route to a process" if the system recycles more than 95 percent of the gas.

EPA seemed receptive to the idea but we both agreed that further data was needed before we ask for an official determination. Dominion has prepared the supporting data and I want to make sure I understand the process of submitting a formal request.

First, whom should I address the letter to? Would it be Bruce Moore or you? Also, who should I copy? The proposed configuration would be placed along our Dominion Carolina Gas system in Moore, South Carolina. Should the Regional office and state be copied?

Second, is there a specific format which we should follow? We are preparing a letter outlining the issue including emissions data from the manufacturer to support the proposed compliance option. Is there additional information we should include? How much detail about the unit is needed?

Finally, is this something we should have a face to face meeting about and if so, would it be possible to put a tentative date on the calendar now. As you might imagine, we are anxious to resolve this issue so we can plan accordingly for compliance. Ideally, this would be addressed by the end of the year but I know things can get bogged down with the holidays. This is an important issue for us and we are more than happy to meet at your convenience.

Thank you in advance Jodi. I'm out of the office today but please feel free to call me on my mobile if you want to discuss further.

Lisa Beal

804-489-4046

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To: Garwood, Gerri[Garwood.Gerri@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Wed 11/16/2016 6:20:12 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Agreed.

From: Garwood, Gerri
Sent: Wednesday, November 16, 2016 1:04 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

That guidance was back in the spring for the rule. I think if Amy told you to fix what we need to fix, we should go ahead and do it in this package.

Gerri

919-541-2406

From: Mia, Marcia
Sent: Wednesday, November 16, 2016 1:03 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Wednesday, November 16, 2016 11:16 AM

To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Let's add this discussion in the preamble, and I'll alert OGC about this potential issue. Since this is just a proposal (and not direct final) I think we'll be okay.

From: Garwood, Gerri

Sent: Wednesday, November 16, 2016 11:05 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Ex. 5 - Deliberative Process

Therefore, EPA must remove the proposed §60.5410(h)(4) to clarify that clearly they did not intend to retroactively apply the implementation improvements related to storage vessel initial and periodic testing to storage vessel affected facilities subject to Subpart OOOO.

Response: The EPA did not finalize the proposed addition of §60.5417(h)(4) due to concerns expressed by commenters that this change could be construed to be a retroactive requirement

Ex. 5 - Deliberative Process

Gerri

919-541-2406

From: Thompson, Lisa

Sent: Wednesday, November 16, 2016 11:03 AM

To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

I'm not sure I understand the RTC issue. Should I set up a call with Elliott? Derek Mills has taken over for Amy on this package, but I'm guessing he's not familiar with this issue..

From: Garwood, Gerri

Sent: Wednesday, November 16, 2016 10:50 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

We fixed this in OOOOa by changing the text in 5412a to be consistent with the NESHAP:

(iii) You must operate at a minimum temperature of 760 °Celsius, provided the control device has demonstrated, during the performance test conducted under §60.5413a(b), that combustion zone temperature is an indicator of destruction efficiency.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Gerri

919-541-2406

From: Mia, Marcia

Sent: Wednesday, November 16, 2016 9:51 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your rI eview

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Therefore, EPA must remove the proposed §60.5410(h)(4) to clarify that clearly they did not intend to retroactively apply the implementation improvements related to storage vessel initial and periodic testing to storage vessel affected facilities subject to Subpart OOOO.

Response: The EPA did not finalize the proposed addition of §60.5417(h)(4) due to concerns expressed by commenters that this change could be construed to be a retroactive requirement

The policy for sources which startup between proposal and promulgation (which used to be the effective date before congressional review act) is that the timing goes off of the promulgation/effective date. See AD AD <https://cfpub.epa.gov/adi/pdf/adi-nsps-ns20.pdf>

“the Agency has a practice to allow such facilities...to conduct and report the results of performance

tests within 60 days from promulgation, unless maximum production rate has not been achieved. In the

latter case, the facility must conduct and submit the results of performance tests no later than 180 days

after final promulgation.”

Should we put this in the preamble? Run by Elliott in Amy’s absence?

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Wednesday, November 16, 2016 9:19 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia. I'm happy to include this, but need to defer to you and Gerri on making sure this is correct. Gerri – let me know what you think!

From: Mia, Marcia

Sent: Wednesday, November 16, 2016 9:12 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Ex. 5 - Deliberative Process

(a) Each control device used to meet the emission reduction standard in §60.5380(a)(1) for your centrifugal compressor affected facility must be installed according to paragraphs (a)(1) through (3) of this section. As an alternative, you may install a control device model tested under §60.5413(d), which meets the criteria in §60.5413(d)(11) and §60.5413(e).

(1) Each combustion device (e.g., thermal vapor incinerator, catalytic vapor incinerator, boiler, or process heater) must be designed and operated in accordance with one of the performance requirements specified in paragraphs (a)(1)(i) through (iv) of this section.

(i) You must reduce the mass content of VOC in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(ii) You must reduce the concentration of TOC in the exhaust gases at the outlet to the device to a level equal to or less than 275 parts per million by volume as propane on a wet basis corrected to 3 percent oxygen as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(iii) You must operate at a minimum temperature of 760 °C for a control device that can demonstrate a uniform combustion zone temperature during the performance test conducted under §60.5413.

Ex. 5 - Deliberative Process

(iv) If a boiler or process heater is used as the control device, then you must introduce the vent stream into the flame zone of the boiler or process heater.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

The formal package is going up on Friday – I need you to sign off on this correction to the separator onsite language tomorrow. Please suggest edits if this fix doesn't fully address your concerns. I've attached our previous discussion of this issue that informed our original response to industry.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa
Sent: Monday, October 24, 2016 10:01 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Monday, October 24, 2016 9:54:06 AM

To: Mia, Marcia; Branning, Amy

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia –

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy

Sent: Wednesday, October 19, 2016 12:34 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa

Sent: Tuesday, October 18, 2016 3:44 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Now that the technical corrections action is being changed from a direct final to a proposal, we are adding in a number of additional items. Please review the list below and let me know if you have any immediate concerns. We are quickly writing this up in the FR notice now, and plan to send an advance copy to Janet McCabe on Thursday. Apologies for the last minute notice – this action is moving more quickly than the program anticipated.

Thanks,

Lisa

1. 5375a(a)(1)(iii) - Separator onsite **or otherwise available for use nearby during the entirety of the flowback period**
2. 5430a – HF definition

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Wed 11/16/2016 4:30:41 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Hi Marcia –

I saw your edits to the preamble regarding the separator location. If you're good with this, I'll go ahead and edit the amendatory text as follows:

Ex. 5 - Deliberative Process

Please let me know if this addresses OECA's concerns!

From: Thompson, Lisa
Sent: Tuesday, November 15, 2016 5:41 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review
Importance: High

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Ex. 5 - Deliberative Process

Thanks,

Lisa

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Sent: Tuesday, November 01, 2016 5:47 PM

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Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Lisa

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Sent: Monday, October 24, 2016 10:01 AM
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To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Monday, October 24, 2016 9:54:06 AM

To: Mia, Marcia; Branning, Amy

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia –

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

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Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

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Sent: Wednesday, October 19, 2016 12:49:41 PM
To: Branning, Amy
Cc: Mia, Marcia
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

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Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

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Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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From: Thompson, Lisa

Sent: Tuesday, October 18, 2016 3:44 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

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Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Bending, Padmavati[bending.padmavati@epa.gov]; Topinka, Natalie[topinka.natalie@epa.gov]
Cc: North, Alexis[North.Alexis@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]
From: Thompson, Lisa
Sent: Wed 10/25/2017 5:35:34 PM
Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Attorney Client

From: Bending, Padmavati
Sent: Wednesday, October 25, 2017 1:32 PM
To: Topinka, Natalie <topinka.natalie@epa.gov>
Cc: Thompson, Lisa <Thompson.Lisa@epa.gov>; North, Alexis <North.Alexis@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

The 2012 final rule requires certification by a responsible official of the truth, accuracy and completeness of the annual report. Petitioners pointed out that the definition of "responsible official" is not appropriate for the oil and natural gas sector due to the large number and wide geographic distribution of the small sources involved. Petitioners suggested that the EPA should develop a certification requirement specific to the Oil and Natural Gas Sector NSPS that would allow delegation of the authority of a responsible official to someone, such as a field or production supervisor, who has direct knowledge of the day to day operation of the facilities being certified, without requiring that such delegation be pre-approved by the permitting authority.¹²

We reexamined the definition of "responsible official" and agree with

petitioners that the current language in the NSPS, specifically the requirement to seek advance approval by the permitting authority of the delegation of authority to a representative if the facility employs 250 or fewer persons, is too burdensome for the oil and natural gas sector. The oil and natural gas sector, especially the production (i.e., "upstream") segment, is characterized by many individually small facilities (e.g., well sites) with oversight typically by a production field office serving a large geographic area such as a basin. We believe a production supervisor or field supervisor who is in charge of a field office would be analogous to a "plant manager" in other sectors, because he or she is "responsible for the overall operation of one or more manufacturing, production, or operating facilities" (from § 60.5430, definition of "responsible official"). We believe

positions such as these are much closer to the day to day operations in this sector and would be appropriate to certify as to the truth, accuracy and completeness of annual reports and compliance certifications. However, because most oil and gas production facilities are small and therefore unlikely to have more than **250** persons, delegating the authority of responsible official to an oil and gas production supervisor or field supervisor would almost always require the permitting authority's approval.

We believe that the oil and natural gas sector is unique in that the ones with most knowledge of the facilities being certified are field or production supervisors overseeing such facilities, which are numerous across country but generally with few employees in each facility. As a result, requiring prior approval of a delegation of the authority

of a responsible official because most of these facilities employ **250** persons or less is unnecessarily burdensome and may potentially affect the facilities' ability to comply with the certification requirement in the event there are delays in approvals of delegation. We therefore propose requiring advance notification instead of advance approval before such delegation becomes effective.

Petitioners also noted that the current definition does not adequately address the complex ownership arrangements of limited partnerships. We agree with the petitioners and believe limited partnerships should be reflected in the definition along with sole proprietorships and partnerships which are currently addressed.

In light of the considerations discussed above, we are proposing to amend the definition of "responsible

official" to make such delegation effective after advance notification rather than after approval. Requirements for delegation to representatives responsible for one or more facilities that employ more than **250** persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter **1980** dollars) are unchanged from the 2012 NSPS (i.e., there is no advance notification or approval required for such delegations).

In addition, the 2012 NSPS uses the term "permitting authority" in the definition of "responsible official." The NSPS is not a permitting program, and the annual compliance certification that requires signature of the "responsible official" is a requirement of the NSPS and is not associated with a permitting program. As a result, we are proposing to replace the term "permitting authority" with "Administrator" in the

definition of "responsible official" to be consistent with other notification and reporting requirements of the NSPS.

When we finalized the change to "certifying official", we said the following:

Petitioners also noted that the current definition does not adequately address the complex ownership arrangements of limited partnerships. We agree with the petitioners and believe limited partnerships should be reflected in the definition along with sole proprietorships and partnerships which are currently addressed.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Padmavati G. Bending
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.,
Chicago, IL 60604

(312) 353-8917
(312) 582-5154 (fax)

From: Topinka, Natalie
Sent: Tuesday, October 24, 2017 7:45 AM
To: Bending, Padmavati <bending.padmavati@epa.gov>
Cc: Thompson, Lisa <Thompson.Lisa@epa.gov>; North, Alexis <North.Alexis@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Hi Padma,

Ex. 5 - Attorney Client

Thanks,

Natalie

Natalie M. Topinka

Environmental Scientist

U.S. Environmental Protection Agency, Region 5

Air Enforcement and Compliance Assurance Branch

77 West Jackson Boulevard (AE-18J)

Chicago, IL 60604

ph: (312) 886-3853

fax: (312) 692-2410

From: Thompson, Lisa

Sent: Tuesday, October 24, 2017 6:49 AM

To: North, Alexis <North.Alexis@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>

Subject: FW: NSPS OOOOa - "certifying official"

Alex / Natalie – have you ever dealt with this in your regions? I haven't heard back from Marcia yet, but I'm trying to close the loop. His question is: who is the certifying official for a limited liability company? It doesn't fit easily into 'corporation' or 'partnership'.

From: Thompson, Lisa

Sent: Thursday, October 19, 2017 5:43 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Deliberative Process

From: Mia, Marcia
Sent: Thursday, October 19, 2017 5:04 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Okay, then I think it is (2).

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Thursday, October 19, 2017 4:54 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Cc: augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Marcia,

Spoke with Gary to get some more information – I'm completely out of my element here.

Gary told me that the Limited Liability Company is a different legal entity than either a

corporation or a partnership. It has features like a corporation where the owners enjoy limited liability, and features like a partnership in that they pass through taxes to the individual members.

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Mia, Marcia
Sent: Thursday, October 19, 2017 9:24 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

He called it a company. Is it a partnership or a corporation?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Thursday, October 19, 2017 8:47 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: NSPS OOOOa - "certifying official"

Marcia –

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa
Sent: Wednesday, October 18, 2017 9:28 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Cc: Amy Hambrick (Hambrick.Amy@epa.gov) <Hambrick.Amy@epa.gov>
Subject: FW: NSPS OOOOa - "certifying official"

Marcia / Amy B –

Thoughts on this question? Who is the certifying official for a limited liability company?
Definition of certifying official below:

Certifying official means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The Administrator is notified of such delegation of authority prior to the exercise of that authority. The Administrator reserves the right to evaluate such delegation;

(2) For a partnership (including but not limited to general partnerships, limited partnerships, and limited liability partnerships) or sole proprietorship: A general partner or the proprietor, respectively. If a general partner is a corporation, the provisions of paragraph (1) of this definition apply;

(3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(4) For affected facilities:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; or

(ii) The designated representative for any other purposes under part 60.

From: Steinbauer, Gary [<mailto:GSteinbauer@babstcalland.com>]

Sent: Wednesday, October 18, 2017 9:25 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: NSPS OOOOa - "certifying official"

Lisa:

Thank you very much for speaking with me this morning. Please let me know your thoughts on how the Agency interprets "certifying official," as defined in 40 C.F.R. 60.5430 and 5430a, when the owner or operator of an affected facility is a limited liability company.

I really appreciate your help.

Thanks,

Gary

Gary E. Steinbauer

Babst Calland

Office: 412-394-6590

Cell: 419-410-4286

gsteinbauer@babstcalland.com

To: Topinka, Natalie[topinka.natalie@epa.gov]
Cc: Thompson, Lisa[Thompson.Lisa@epa.gov]; North, Alexis[North.Alexis@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]
From: Bending, Padmavati
Sent: Wed 10/25/2017 5:31:59 PM
Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Attorney Client

Here's what I've gleaned:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

The 2012 final rule requires
certification by a responsible official of
the truth, accuracy and completeness of
the annual report. Petitioners pointed
out that the definition of "responsible
official" is not appropriate for the oil

and natural gas sector due to the large number and wide geographic distribution of the small sources involved. Petitioners suggested that the EPA should develop a certification requirement specific to the Oil and Natural Gas Sector NSPS that would allow delegation of the authority of a responsible official to someone, such as a field or production supervisor, who has direct knowledge of the day to day operation of the facilities being certified, without requiring that such delegation be pre-approved by the permitting authority.¹²

We reexamined the definition of "responsible official" and agree with petitioners that the current language in the NSPS, specifically the requirement to seek advance approval by the permitting authority of the delegation of authority to a representative if the facility employs 250 or fewer persons, is too burdensome for the oil and natural

gas sector. The oil and natural gas sector, especially the production (i.e., "upstream") segment, is characterized by many individually small facilities (e.g., well sites) with oversight typically by a production field office serving a large geographic area such as a basin. We believe a production supervisor or field supervisor who is in charge of a field office would be analogous to a "plant manager" in other sectors, because he or she is "responsible for the overall operation of one or more manufacturing, production, or operating facilities" (from § 60.5430, definition of "responsible official"). We believe positions such as these are much closer to the day to day operations in this sector and would be appropriate to certify as to the truth, accuracy and completeness of annual reports and compliance certifications. However, because most oil and gas production

facilities are small and therefore unlikely to have more than **250** persons, delegating the authority of responsible official to an oil and gas production supervisor or field supervisor would almost always require the permitting authority's approval.

We believe that the oil and natural gas sector is unique in that the ones with most knowledge of the facilities being certified are field or production supervisors overseeing such facilities, which are numerous across country but generally with few employees in each facility. As a result, requiring prior approval of a delegation of the authority of a responsible official because most of these facilities employ **250** persons or less is unnecessarily burdensome and may potentially affect the facilities' ability to comply with the certification requirement in the event there are delays in approvals of delegation. We

therefore propose requiring advance notification instead of advance approval before such delegation becomes effective.

Petitioners also noted that the current definition does not adequately address the complex ownership arrangements of limited partnerships. We agree with the petitioners and believe limited partnerships should be reflected in the definition along with sole proprietorships and partnerships which are currently addressed.

In light of the considerations discussed above, we are proposing to amend the definition of "responsible official" to make such delegation effective after advance notification rather than after approval. Requirements for delegation to representatives responsible for one or more facilities that employ more than **250** persons or have gross annual sales or expenditures

exceeding \$25 million (in second quarter **1980** dollars) are unchanged from the 2012 NSPS (i.e., there is no advance notification or approval required for such delegations).

In addition, the 2012 NSPS uses the term "permitting authority" in the definition of "responsible official." The NSPS is not a permitting program, and the annual compliance certification that requires signature of the "responsible official" is a requirement of the NSPS and is not associated with a permitting program. As a result, we are proposing to replace the term "permitting authority" with "Administrator" in the definition of "responsible official" to be consistent with other notification and reporting requirements of the NSPS.

Ex. 5 - Attorney Client

Petitioners also noted that the current definition does not adequately address the complex ownership arrangements of limited partnerships. We agree with the petitioners and believe limited partnerships should be reflected in the definition along with sole proprietorships and partnerships which are currently addressed.

Ex. 5 - Attorney Client

Padmavati G. Bending
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.,
Chicago, IL 60604

(312) 353-8917
(312) 582-5154 (fax)

From: Topinka, Natalie
Sent: Tuesday, October 24, 2017 7:45 AM
To: Bending, Padmavati <bending.padmavati@epa.gov>
Cc: Thompson, Lisa <Thompson.Lisa@epa.gov>; North, Alexis <North.Alexis@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Hi Padma,

Ex. 5 - Attorney Client

Thanks,

Natalie

Natalie M. Topinka

Environmental Scientist

U.S. Environmental Protection Agency, Region 5

Air Enforcement and Compliance Assurance Branch

77 West Jackson Boulevard (AE-18J)

Chicago, IL 60604

ph: (312) 886-3853

fax: (312) 692-2410

From: Thompson, Lisa
Sent: Tuesday, October 24, 2017 6:49 AM
To: North, Alexis <North.Alexis@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>
Subject: FW: NSPS OOOOa - "certifying official"

Alex / Natalie – have you ever dealt with this in your regions? I haven't heard back from Marcia yet, but I'm trying to close the loop. His question is: who is the certifying official for a limited liability company? It doesn't fit easily into 'corporation' or 'partnership'.

From: Thompson, Lisa
Sent: Thursday, October 19, 2017 5:43 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Deliberative Process

From: Mia, Marcia
Sent: Thursday, October 19, 2017 5:04 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Cc: augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Okay, then I think it is (2).

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Thursday, October 19, 2017 4:54 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>

Subject: RE: NSPS OOOOa - "certifying official"

Marcia,

Spoke with Gary to get some more information – I'm completely out of my element here.

Gary told me that the Limited Liability Company is a different legal entity than either a corporation or a partnership. It has features like a corporation where the owners enjoy limited liability, and features like a partnership in that they pass through taxes to the individual members.

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Mia, Marcia
Sent: Thursday, October 19, 2017 9:24 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Thursday, October 19, 2017 8:47 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: NSPS OOOOa - "certifying official"

Marcia –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa

Sent: Wednesday, October 18, 2017 9:28 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Cc: Amy Hambrick (Hambrick.Amy@epa.gov) <Hambrick.Amy@epa.gov>

Subject: FW: NSPS OOOOa - "certifying official"

Marcia / Amy B –

Thoughts on this question? Who is the certifying official for a limited liability company?
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 - (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (ii) The Administrator is notified of such delegation of authority prior to the exercise of that authority. The Administrator reserves the right to evaluate such delegation;
- (2) For a partnership (including but not limited to general partnerships, limited partnerships, and limited liability partnerships) or sole proprietorship: A general partner or the proprietor, respectively. If a general partner is a corporation, the provisions of paragraph (1) of this definition apply;
- (3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the

chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(4) For affected facilities:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; or

(ii) The designated representative for any other purposes under part 60.

From: Steinbauer, Gary [<mailto:GSteinbauer@babstcalland.com>]

Sent: Wednesday, October 18, 2017 9:25 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: NSPS OOOOa - "certifying official"

Lisa:

Thank you very much for speaking with me this morning. Please let me know your thoughts on how the Agency interprets "certifying official," as defined in 40 C.F.R. 60.5430 and 5430a, when the owner or operator of an affected facility is a limited liability company.

I really appreciate your help.

Thanks,

Gary

Gary E. Steinbauer

Babst Calland

Office: 412-394-6590

Cell: 419-410-4286

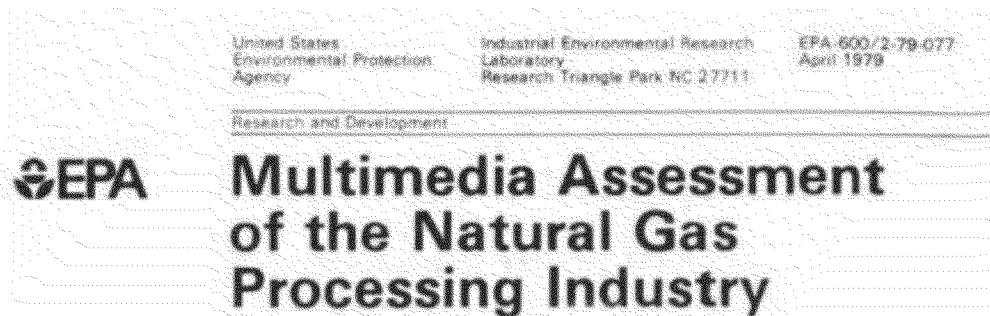
gsteinbauer@babstcalland.com

To: Mia, Marcia[Mia.Marcia@epa.gov]
From: Ostrand, Laurie
Sent: Tue 9/5/2017 5:09:41 PM
Subject: FW: EPA Air docket # A-80-20B
[A-80-20 Index.pdf](#)

The Air Docket sent me the index for the Docket for Subpart KKK. This docket seems to be shared with Subpart LLL – NSPS for SO2 emissions from natural gas processing plants.

The VOC portion of the docket starts on page 60 of the PDF. On my quick scan there doesn't seem to be a "Basis and Purpose" document as you mentioned.

The following document was mentioned at the beginning of the Docket Index and I was able to download it from the web. I'm still looking at it.



Laurie Ostrand

U.S. EPA Region 8

Mail Code 8ENF-AT

1595 Wynkoop Street

Denver, CO 80202

303-312-6437

From: Docket-CustomerService
Sent: Tuesday, September 05, 2017 9:24 AM
To: Ostrand, Laurie <Ostrand.Laurie@epa.gov>
Subject: RE: EPA Air docket # A-80-20B

From: Ostrand, Laurie
Sent: Wednesday, August 23, 2017 2:17 PM
To: Docket-CustomerService <Docket-CustomerService@epa.gov>
Subject: EPA Air docket # A-80-20B

Hi

I am looking for the “Basis and Purpose Document” that might be in Air Docket #A-80-20B.

Thank you.

Laurie Ostrand

U.S. EPA Region 8

Mail Code 8ENF-AT

1595 Wynkoop Street

Denver, CO 80202

303-312-6437

To: Apple Chapman[chapman.apple@epa.gov]; Messina, Edward[Messina.Edward@epa.gov]; Lischinsky, Robert[lischinsky.robert@epa.gov]
Cc: Dubose, Dick[DuBose.Dick@epa.gov]; Segall, Martha[segall.martha@epa.gov]
From: Mia, Marcia
Sent: Wed 11/15/2017 3:15:26 PM
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period
EPA NODA Request for Extension of Comment Period 11.14.17.pdf

Heads up - There is a FOIA too for the compliance reports in addition to the letter to the Administrator.

We don't get them- the regions do. Some came into CEDRI and OAQPS will pull those but OAQPS has redirected the FOIA to OECA.

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Cozzie, David
Sent: Wednesday, November 15, 2017 10:12 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

From: Zenick, Elliott
Sent: Wednesday, November 15, 2017 8:15 AM
To: Palmer, Karen <Palmer.Karen@epa.gov>
Cc: Cozzie, David <Cozzie.David@epa.gov>
Subject: FW: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

Karen, can you try and help run this down today? David sending your way as an FYI for now but also to see if you know what we got in in the way of compliance reports. Should we be talking to OECA?

From: Schwab, Justin
Sent: Tuesday, November 14, 2017 6:28 PM
To: Zenick, Elliott <Zenick.Elliott@epa.gov>
Subject: Fwd: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

See below and attached - we should analyze and discuss soonest.

Sent from my iPhone

Begin forwarded message:

From: Peter Zalzal <pzalzal@edf.org>
Date: November 14, 2017 at 6:13:28 PM EST
To: "pruitt.scott@epa.gov" <pruitt.scott@epa.gov>, "minoli.kevin@epa.gov" <minoli.kevin@epa.gov>, "schwab.justin@epa.gov" <schwab.justin@epa.gov>
Subject: Request to Make Public OOOOa Annual Compliance Reports and to Extend Oil and Gas NODA Comment Period

Dear EPA Officials:

On behalf of the Environmental Defense Fund, Center for Biological Diversity, Clean Air Council, Clean Air Task Force, Earthjustice, Environmental Integrity Project, Environmental Law & Policy Center, National Parks Conservation Association, Natural Resources Defense Council, and Sierra Club, attached please find a letter respectfully

requesting that EPA make public all annual compliance reports submitted by operators of oil and natural gas facilities to EPA as required by 40 C.F.R. Part 60 Subpart OOOOa. We also respectfully request that you extend the period for public comment on EPA's November 8, 2017, notices of data availability on Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements, 82 Fed. Reg. 51,788 (Nov. 8, 2017), and Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements, 81 Fed. Reg. 35,824, (collectively, "the NODAs") for at least 90 days after those reports are made available.

We have also submitted this letter to the public dockets for RIN 2060-AT59 and RIN 2060-AT65 on [regulations.gov](https://www.regulations.gov).

Sincerely yours,

Peter Zalzal

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal.

To: Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Messina, Edward[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95521fbf4e34496a879e364faf7e5aa8-Messina, Edward]; Duffy, Rick[Duffy.Rick@epa.gov]; Segall, Martha[Segall.Martha@epa.gov]; Apple Chapman[chapman.apple@epa.gov]; Kenney, James[Kenney.James@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]
From: Mia, Marcia
Sent: Tue 5/2/2017 2:08:50 PM
Subject: FW: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)
[2017 05 01 NSPS OOOOa Letter to EPA Administrator Pruitt Final.pdf](#)

FYI. Building on the success of their first request for an administrative stay...the professional engineer cert for closed vent systems and pneumatic pumps is in their crosshairs.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Tuesday, May 02, 2017 9:20 AM
To: Branning, Amy <Branning.Amy@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Gilbreath, Jan <Gilbreath.Jan@epa.gov>
Subject: FW: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)

FYI

From: Cozzie, David
Sent: Tuesday, May 2, 2017 9:17 AM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>

Subject: FW: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)

Importance: High

FYI

From: Matthew Todd [<mailto:ToddM@api.org>]

Sent: Monday, May 01, 2017 4:21 PM

To: Pruitt, Scott <Pruitt.Scott@epa.gov>

Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Howard Feldman <Feldman@api.org>

Subject: Reconsideration of the Final Rule - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources (NSPS OOOOa)

Importance: High

Dear Administrator Pruitt:

The American Petroleum Institute respectfully submits the attached letter in response to your April 18, 2017 letter communicating the agency's intent to reconsider certain aspects of the Final Rule, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," which was published on June 3, 2016 (81 FR 35824).

Sincerely,

Matthew Todd, on behalf of Howard Feldman

Matthew Todd

API

202.682.8319

From: Mia, Marcia
Location: Ex. 6 - Personal Privacy
Importance: Normal
Subject: RE: NSPS OOOOa question - Trigger for Compressor station LDAR
Start Date/Time: Wed 4/26/2017 1:00:00 PM
End Date/Time: Wed 4/26/2017 2:00:00 PM
[modification_excerpt.pdf](#)

From: Branning, Amy
Sent: Friday, April 21, 2017 12:00 PM
To: Mia, Marcia
Cc: Marsh, Karen; Cozzie, David
Subject: RE: NSPS OOOOa question - Trigger for Compressor station LDAR

Hi:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Branning, Amy
Sent: Friday, April 21, 2017 11:02 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Cc: Marsh, Karen <Marsh.Karen@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>
Subject: RE: NSPS OOOOa question - Trigger for Compressor station LDAR

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Mia, Marcia

Sent: Tuesday, April 18, 2017 10:27 AM

To: Branning, Amy <Branning.Amy@epa.gov>

Cc: Marsh, Karen <Marsh.Karen@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>

Subject: FW: NSPS OOOOa question - Trigger for Compressor station LDAR

Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From WEPCO:

As to NSPS, there is no "representative emissions" concept under that program. Rather, under the circumstances presented by this case, *the baseline emission rates for units 1-5 are determined by hourly maximum **capacity just prior to the renovations***. At this time, EPA is relying on the actual operating data you submitted to determine current maximum capacity. Although EPA is certainly open to further discussion on this point, the information contained in your September 27 and October 11, 1988 submissions is inadequate to support WEPCO's assertions that higher-than-actual capacities could be achieved on an economically sustainable basis. For example, you indicate that operation at higher levels at units 1-4 "could increase equipment deterioration thus causing further damage." Regarding Unit 5, you state that "safety concerns" dictated the decision to shut down that unit. Based on this information, we are unable to rely on WEPCO's statements as to maximum "achievable" capacity in determining the emissions changes at each of these units. Thus, for example, in the case of unit 5, the current capacity must be regarded as zero (ADI Control NN002 page 4)[emphasis added]

We did find this in the preamble to the final rule, which seems to follow the first line of thinking...

"The EPA agrees that an increase in the compression capacity that is not due to the addition of a compressor that would result in an increase of the overall design capacity of the compressor station is not a modification. For example, a compressor station may have to increase the operating throughput by bringing existing compressors on-line to meet demand during peak seasons. *In such a case, the compressors' capacities are already accounted for in the overall design capacity for the compressor station, and bringing them on-line would not increase the overall design capacity nor would it increase the potential emissions of the compressor station.* Therefore, we are not finalizing that an increase in compression capacity is a modification." (81 FR 35864)[emphasis added]

Thanks.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Marsh, Karen

Sent: Monday, April 03, 2017 9:22 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: FW: NSPS OOOOa question - Trigger for Compressor station LDAR

Importance: High

Marcia,

Bruce received these questions back in October but after speaking with David a few weeks ago, he's never actually received a response from us. These are interesting scenarios related to changes in horsepower at a compressor station and whether modification is triggered.

Let me know if you want to discuss via phone. I am out Wednesday - Friday this week (my in-laws are visiting from England) but have some time available on Tuesday.

Karen

Karen R. Marsh, PE

US EPA, OAQPS, Sectors Policies and Programs Division

Fuels and Incineration Group

109 TW Alexander Drive, Mail Code E143-05

Research Triangle Park, NC 27711

Direct: (919) 541-1065; email: marsh.karen@epa.gov

From: Oldaker, David [<mailto:DKOLDAKER@eprod.com>]

Sent: Tuesday, March 28, 2017 2:43 PM

To: Marsh, Karen <Marsh.Karen@epa.gov>

Subject: FW: NSPS OOOOa question - Trigger for Compressor station LDAR

Importance: High

Hi Karen,

Below is the email I sent to Bruce earlier. Since then, another “case” has come up to consider. In the following Case 4, a compressor engine is replaced with another engine of larger horsepower (HP), however a governor is installed to limit the engine RPM such that the horsepower of the replaced engine(s) is not exceeded. The replacement engine(s) would be authorized, and represented with the RPM and HP restriction, by the state and under a federally enforceable permit. The reason for the engine replacement is that the original leased engine can be replaced by another lease provider (at a lower lease cost), however the exact same rated horsepower is not available within their inventory.

Background: Case 4

- On September 18, 2015, the overall design capacity of a compressor station was 8,000 HP. The sum of compressor horsepower at the compressor station was also 8,000 HP.
- On November 30, 2016, business conditions deteriorated and one or more compressor drivers (engines) were replaced with ones of higher rated horsepower, however a governor was installed on each to limit the engine RPM such that the

horsepower of the replaced engine(s) was not exceeded. The replacement engine(s) were authorized and represented with the RPM and HP restriction by the state and under a federally enforceable permit. The sum of compressor (engine) horsepower at the compressor station remains unchanged at 8,000 HP. All other equipment and aspects of the compressor station remained unchanged.

•☐☐☐☐☐☐☐ **Question 4:** Were fugitive emission monitoring requirements triggered at the site?

These four cases are realistic potential operating scenarios and I'd appreciate your review and guidance on how the Agency would view each case.

Give me a call if you have any questions or would like to discuss.

Regards, Dave

David K. Oldaker, Manager, Environmental

EHS&T-Permitting & Planning

Enterprise Products 1100 Louisiana Street, Houston TX 77002

Direct: 713.381.5427 | Cell: (832) 596-6277 | Fax: 713.381.6811

From: Oldaker, David

Sent: Tuesday, October 25, 2016 8:20 AM

To: 'Bruce Moore/RTP/USEPA/US (Moore.Bruce@epamail.epa.gov)'

Subject: NSPS OOOOa question - Trigger for Compressor station LDAR

Importance: High

Hi Bruce,

I have a couple of questions where compressors and their corresponding driver are either removed or added, based on changing business conditions, yet the overall design capacity of a compressor station remains unchanged.

In the cases below the overall design capacity of a compressor station remains at 8,000 HP, while the sum of compressor horsepower at the station is adjusted (up or down) over time in response to changing business conditions. All other equipment at the station, other than the compressors and drivers, remains unchanged.

We believe in the example cases below, that the compressors' capacities are accounted for in the overall design capacity for the compressor station on September 18, 2015, and subsequently bringing the compressors' capacities down and back up, to less than or equal to the design capacity of the station i.e. - 8,000 HP, would not increase the overall design capacity nor would it increase the potential emissions of the compressor station. Therefore, fugitive emission monitoring requirements would not be triggered at the site.

The cases below are realistic potential operating scenarios and I'd appreciate your review and guidance on how the Agency would view each case.

Give me a call if you have any questions or would like to discuss.

Regards, Dave

David K. Oldaker, Manager, Environmental

EHS&T-Permitting & Planning

Enterprise Products 1100 Louisiana Street, Houston TX 77002

Direct: 713.381.5427 | Cell: (832) 596-6277 | Fax: 713.381.6811

Background: Case 1

- On September 18, 2015, the overall design capacity of a compressor station was 8,000 HP. The sum of compressor horsepower at the compressor station was also 8,000 HP.

- On October 10, 2016, business conditions deteriorated and one or more compressors (and drivers) were replaced with ones of lower horsepower and lower operating cost. The sum of compressor horsepower at the compressor station was reduced to 6,000 HP. All other equipment and aspects of the compressor station remained unchanged.

- On November 15, 2017, business conditions improved and one of the remaining compressors' (and driver) were *replaced* with another one of greater horsepower. The sum of compressor horsepower at the compressor station was increased to 7,000 HP. All other equipment and aspects of the compressor station remained unchanged.

- **Question 1:** Were fugitive emission monitoring requirements triggered at the site?

Background: Case 2

- On September 18, 2015, the overall design capacity of a compressor station was 8,000 HP. The sum of compressor horsepower at the compressor station was also 8,000 HP.

- On October 10, 2016, business conditions deteriorated and one or more compressors (and drivers) were replaced with ones of lower horsepower and lower operating cost. The sum of compressor horsepower at the compressor station was reduced to 6,000 HP. All other equipment and aspects of the compressor station remained unchanged.

- On November 15, 2017, business conditions improved and one compressor (with driver) was *added*. The sum of compressor horsepower at the compressor station was increased to 7,000 HP. All other equipment and aspects of the compressor station remained unchanged.

- **Question 2:** Were fugitive emission monitoring requirements triggered at the site?

Background: Case 3

- On September 18, 2015, the overall design capacity of a compressor station was 8,000 HP. The sum of compressor horsepower at the compressor station was also 8,000 HP.

- On October 10, 2016, business conditions deteriorated and all compressors and their drivers at the site were removed to save costs. All other equipment and aspects of the compressor station remained at the site and were unchanged.

- On November 20, 2018, business conditions improved and one or more compressors were reinstalled at the site, and the sum of compressor horsepower at the compressor station was increased to 5,000 HP. All other equipment and aspects of the compressor station remained unchanged from the September 18, 2015 design.

- **Question 3:** Were fugitive emission monitoring requirements triggered at the site?

Note: The date September 18, 2015 was selected in the cases above since this was the proposed date for NSPS OOOOa.

Rule:

The preamble of the final rule issued in the Federal Register on June 3, 2016 stated (1) that an addition of a compressor does not result in an increase in emissions in all instances and (2) that an increase in the compression capacity that is not due to the addition of a compressor that would result in an increase of the overall design capacity of the compressor station is not a modification (81 FR 35864 attached).

EPA clarified that the installation of a compressor will only trigger the fugitive monitoring requirements if it is installed as an additional compressor or if it is a replacement that is of greater horsepower than the compressor or compressors that it is replacing.

§ 60.5365a (j) The collection of fugitive emissions components at a compressor station, as defined in § 60.5430a, is an affected facility. For purposes of § 60.5397a, a "modification" to a compressor station occurs when:

(1) An additional compressor is installed at a compressor station; or

(2) One or more compressors at a compressor station is replaced by one or more compressors of greater total horsepower than the compressor(s) being replaced. When one or more compressors is replaced by one or more compressors of an equal or smaller total horsepower than the compressor(s) being replaced, installation of the replacement compressor(s) does not trigger a modification of the compressor station for purposes of § 60.5397a.

EPA RTC

Document Control Number: EPA-HQ-OAR-2010-0505-6884 **Comment Excerpt Number:** 113

Response: We agree that an increase in the compression capacity that is not due to the addition of a compressor that would result in an increase of the overall design capacity of the compressor station is not a modification. We have also clarified that the installation of a compressor will only trigger the fugitive monitoring requirements if it is installed as an additional compressor or if it is a replacement that is of greater horsepower than the compressor or compressors that it is replacing.

This message (including any attachments) is confidential and intended for a specific individual and purpose. If you are not the intended recipient, please notify the sender immediately and delete this message.

To: Chapman, Apple[Chapman.Apple@epa.gov]
From: Mia, Marcia
Sent: Wed 4/26/2017 12:02:29 PM
Subject: RE: talking points for Oil and Gas Stay

Any feedback from Susan? We will discuss with David today at our weekly.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Chapman, Apple
Sent: Tuesday, April 25, 2017 12:54 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: talking points for Oil and Gas Stay

Thank you.

Ms. Apple Chapman |Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW, Washington DC, 20004 |202-564-5666 (office)|202-841-6076 (mobile)|

From: Mia, Marcia
Sent: Tuesday, April 25, 2017 12:19 PM
To: Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>
Cc: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: talking points for Oil and Gas Stay

1. NSPS OOOOa has requirements for fugitives emissions monitoring of “fugitive components” (e.g. pumps, valves, connectors) at well sites and compressor station sites
2. The requirements include preparing a site plan, conducting semi-annual monitoring via Me 21 (500ppm level) or OGI (any visible), 30 day repair, recordkeeping and annual reporting
3. On April 18, 2017, Administrator Pruitt signed a letter to API, Texas Oil and Gas, GPA Midstream and Independent Producers alerting them to our intent to reconsider portions of NSPS OOOOa as it relates to the fugitives emissions monitoring requirements. The letter also included our intent to publish a 90 day administrative stay of the provisions.
 - a. The first issue for reconsideration is the applicability to low pressure wells. We proposed to exempt them, but after collecting comment during rulemaking did not publish the exemption in the final rule. We believed that emissions from fugitives were not impacted by the well pressure.
 - b. The second issue for reconsideration applies to well sites and compressor station sites. It has to do with the allowance for sources to seek alternative means of emissions limitations to the fugitive programs. We promulgated specific criteria for the AMELs which were not proposed. Although AMELs are statutory and have requirements in the GP, folks might not have had the knowledge of the specific NSPS OOOOa requirements in order to submit AMELs and received approval by the June 3, 2017 compliance date.
4. The compliance date is June 3, 2017, so we are assuming the stay will be published close to this date.
5. Sources are required to have prepared their plan and conducted their first monitoring by the compliance date.
6. The earliest “end” of the initial compliance period is August 2, 2017. That would be for new sources as of August 2, 2016. All others get a year from any date after August 2, 2016. (5410a). Annual reports are due within 90 days of the end of the initial compliance period and annually thereafter.

Issues for OECA

1. The administrative stay will not affect the compliance date; once the stay ends, sources would be out of compliance on the 91st day, unless they prepare the plan, conduct their initial monitoring, repair and maintain records before (or during) the stay.
2. OGC is thinking a work around will be a proposal for a one year stay at the same time the administrative stay is published. This will help allay fears of the 91st scenario, but is not guaranteed to succeed. Presumably thru reconsideration we will establish new compliance

timelines for source.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Apple Chapman[chapman.apple@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]
Cc: Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Messina, Edward[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95521fbf4e34496a879e364faf7e5aa8-Messina, Edward]
From: Mia, Marcia
Sent: Tue 4/25/2017 4:19:18 PM
Subject: talking points for Oil and Gas Stay

1. NSPS OOOOa has requirements for fugitives emissions monitoring of “fugitive components” (e.g. pumps, valves, connectors) at well sites and compressor station sites
2. The requirements include preparing a site plan, conducting semi-annual monitoring via Me 21 (500ppm level) or OGI (any visible), 30 day repair, recordkeeping and annual reporting
3. On April 18, 2017, Administrator Pruitt signed a letter to API, Texas Oil and Gas, GPA Midstream and Independent Producers alerting them to our intent to reconsider portions of NSPS OOOOa as it relates to the fugitives emissions monitoring requirements. The letter also included our intent to publish a 90 day administrative stay of the provisions.
 - a. The first issue for reconsideration is the applicability to low pressure wells. We proposed to exempt them, but after collecting comment during rulemaking did not publish the exemption in the final rule.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- b. The second issue for reconsideration applies to well sites and compressor station sites. It has to do with the allowance for sources to seek alternative means of emissions limitations to the fugitive programs.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

4. The compliance date is June 3, 2017,

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Ex. 5 - Deliberative Process

5. Sources are required to have prepared their plan and conducted their first monitoring by the compliance date.
6. The earliest “end” of the initial compliance period is August 2, 2017. That would be for new sources as of August 2, 2016. All others get a year from any date after August 2, 2016. (5410a). Annual reports are due within 90 days of the end of the initial compliance period and annually thereafter.

Issues for OECA

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

To: Chapman, Apple[Chapman.Apple@epa.gov]
From: Mia, Marcia
Sent: Tue 8/30/2016 9:03:36 PM
Subject: RE: from your capital expenditure briefing`
Capital Expenditure Briefing_mbm.docx
49FedReg8.pdf

Ps. The SAS runs were dated September 1, 1983. Since GGG went final in May 1984, it must be Oct. 26, 1983, which is what you surmised in your footnote.

Ex. 5 - Deliberative Process

Also, there was a discussion from the GGG Final Rule: see 49 FR 22603 (third column) attached and excerpted below:

Modification and Reconstruction

Comment 1: Commenters requested that the capital expenditure determination (as it relates to the modification provisions) be revised so that it is more practicable.

Response 1: After reviewing the comments concerning the difficulties with using the capital expenditure definition, EPA agreed that the definition for capital expenditure may be difficult to use for some refineries. Accordingly, EPA decided to provide an alternative to the procedures in the General Provisions. Although the implementation of the capital expenditure definition has been made more practicable, the original intent of the definition has been maintained.

The alternative uses an adjusted annual asset guideline repair allowance (AAGRA) and the replacement costs to determine capital expenditure. The adjusted AAGRA is determined by a formula and is based on a ratio that reflects inflation of costs over the last several years. The adjusted AAGRA is multiplied by the replacement costs of the equipment within the facility to determine the value of a capital expenditure.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Chapman, Apple
Sent: Tuesday, August 30, 2016 3:25 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: from your capital expenditure briefing`

Do you know the date on this document? It's not readable.

Ms. Apple Chapman |Associate Director, Air Enforcement Division | U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW, Washington DC, 20004 |202-564-5666 (office)|202-841-6076 (mobile)|

From: Mia, Marcia
Sent: Tuesday, August 30, 2016 10:33 AM
To: Chapman, Apple <Chapman.Apple@epa.gov>
Subject: RE: from your capital expenditure briefing`

Ps. The equation was flipped around to make it easier to solve and with a greater confidence, from that docket entry. Here is the docket entry for that.

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Chapman, Apple
Sent: Tuesday, August 30, 2016 10:25 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: from your capital expenditure briefing`

Thanks. Also, in what RTC was this issue addressed? Do you have it (just that part) electronically?

Ms. Apple Chapman |Associate Director, Air Enforcement Division | U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW, Washington DC, 20004 |202-564-5666 (office)|202-841-6076 (mobile)|

From: Mia, Marcia
Sent: Tuesday, August 30, 2016 10:23 AM
To: Chapman, Apple <Chapman.Apple@epa.gov>
Subject: RE: from your capital expenditure briefing`

Chemical plants have to comply directly with VVa thru its own applicability to equipment in process units which produce listed (i.e. specific chemical) products

Likewise, refineries have to comply with GGGa thru its own applicability.

Assuming we can establish applicability, of course. :)

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Chapman, Apple

Sent: Tuesday, August 30, 2016 10:21 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: from your capital expenditure briefing`

Ex. 5 - Deliberative Process

What are the other impacted facilities? I think you said refineries and chemical plants.
What are those subparts?

Thanks

Ms. Apple Chapman | Associate Director, Air Enforcement Division | U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | 202-841-6076 (mobile) |

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]
From: Mia, Marcia
Sent: Wed 8/24/2016 12:58:15 PM
Subject: RE: Please review - OOOOa technical corrections

This one took me some thinkin'.

Ex. 5 - Deliberative Process

M

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Wednesday, August 24, 2016 8:14 AM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: Please review - OOOOa technical corrections

Gerri, Marcia –

Do you agree with the change Ronnie is proposing? Let me know and I'll add it to the list!

From: Veronica Hanzel [<mailto:hanzel.veronica@ecrweb.com>]
Sent: Tuesday, August 23, 2016 10:37 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: pnorwood@scainc.com; hendricks.david@ecrweb.com
Subject: RE: Please review - OOOOa technical corrections

Lisa,

I came across something I believe is an incorrect citation during my work on training. We cite a paragraph that refers to vapor recover in a requirement for enclosed combustors. Please see red print below. Please let me know if you concur and I will add it to the technical corrections listing. Thanks.

Ronnie

§60.5417a What are the continuous control device monitoring requirements for my centrifugal compressor and storage vessel affected facilities?

You must meet the applicable requirements of this section to demonstrate continuous compliance for each control device used to meet emission standards for your storage vessel or centrifugal compressor affected facility.

(a) For each control device used to comply with the emission reduction standard for centrifugal compressor affected facilities in §60.5380a(a)(1), you must install and operate a continuous parameter monitoring system for each control device as specified in paragraphs (c) through (g) of this section, except as provided for in paragraph (b) of this section. If you install and operate a flare in accordance with §60.5412a(a)(3), you are exempt from the requirements of paragraphs (e) and (f) of this section. If you install and operate an enclosed combustion device which is not specifically listed in paragraph (d) of this section, you must demonstrate continuous compliance according to paragraphs (h)(1) through (h)(4) [should be (h)(1), (h)(3) and (h)(4) only. see below] of this section.

...

(h) For each control device used to comply with the emission reduction standard in §60.5395a(a)(2) for your storage vessel affected facility, you must demonstrate continuous compliance according to paragraphs (h)(1) through (h)(4) of this section. You are exempt from the requirements of this paragraph if you install a control device model tested in accordance with §60.5413a(d)(2) through (10), which meets the criteria in §60.5413a(d)(11), the reporting requirement in §60.5413a(d)(12), and meet the continuous compliance requirement in §60.5413a(e).

(1) For each combustion device you must conduct inspections at least once every calendar month according to paragraphs (h)(1)(i) through (iv) of this section. Monthly inspections must be separated by at least 14 calendar days.

(i) Conduct visual inspections to confirm that the pilot is lit when vapors are being routed to the combustion device and that the continuous burning pilot flame is operating properly.

(ii) Conduct inspections to monitor for visible emissions from the combustion device using section 11 of EPA Method 22 of appendix A of this part. The observation period shall be 15 minutes. Devices must be operated with no visible emissions, except for periods not to exceed a total of 1 minute during any 15 minute period.

(iii) Conduct olfactory, visual and auditory inspections of all equipment associated with the combustion device to ensure system integrity.

(iv) For any absence of the pilot flame, or other indication of smoking or improper equipment operation (e.g., visual, audible, or olfactory), you must ensure the equipment is returned to proper operation as soon as practicable after the event occurs. At a minimum, you must perform the procedures specified in paragraphs (h)(1)(iv)(A) and (B) of this section.

(A) You must check the air vent for obstruction. If an obstruction is observed, you must clear the obstruction as soon as practicable.

(B) You must check for liquid reaching the combustor.

(2) For each vapor recovery device, you must conduct inspections at least once every calendar month to ensure physical integrity of the control device according to the manufacturer's instructions. Monthly inspections must be separated by at least 14 calendar days.

(3) Each control device must be operated following the manufacturer's written operating instructions, procedures and maintenance schedule to ensure good air pollution control practices for minimizing emissions. Records of the manufacturer's written operating instructions, procedures, and maintenance schedule must be available for inspection as specified in §60.5420a(c)(13).

(4) Conduct a periodic performance test no later than 60 months after the initial performance test as specified in §60.5413a(b)(5)(ii) and conduct subsequent periodic performance tests at intervals no longer than 60 months following the previous periodic performance test.

From: Thompson, Lisa [<mailto:Thompson.Lisa@epa.gov>]

Sent: Monday, August 22, 2016 5:02 PM

To: Hambrick, Amy <Hambrick.Amy@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Howard, Jodi <Howard.Jodi@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Carey, Angela <carey.angela@epa.gov>; Spells, Charlene <Spells.Charlene@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>

Cc: David Hendricks (hendricks.david@ecrweb.com) <hendricks.david@ecrweb.com>;

'Veronica Hanzel' (hanzel.veronica@ecrweb.com) <hanzel.veronica@ecrweb.com>

Subject: Please review - OOOOa technical corrections

Hi all --

Please review this list of all technical corrections for OOOOa. We plan to brief Peter later this week and draft a notice to correct these in the short-term. Please review, and let me know if you have other items to add to the list, or think items should be removed. I think we have all the issues that have come up through the reconsideration petitions, and implementation questions, but please double check!

Thanks,

Lisa

Ex. 5 - Deliberative Process

Lisa Thompson

Fuels and Incineration Group

Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency

919-541-9775

To: Portmess, Jessica[Portmess.Jessica@epa.gov]
Cc: Witosky, Matthew[Witosky.Matthew@epa.gov]
From: Mia, Marcia
Sent: Mon 1/30/2017 2:33:47 PM
Subject: RE: Oil and Gas Technical White Papers
[20140415completions.pdf](#)
[20140415leaks.pdf](#)

Here are the other white papers – well completions and leaks. I never saw a summary document, but you can ask Matt Witosky (cc'd). Here is the link to the docket with the individual comments.

<https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&D=EPA-HQ-OAR-2014-0557>

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Portmess, Jessica
Sent: Thursday, January 26, 2017 11:40 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: Oil and Gas Technical White Papers

Marcia,

I'm trying to track down the technical white papers OAQPS came out with in April 2014 on VOC/methane emissions from oil and gas—I've managed to find the compressors, liquids unloading, and pneumatics papers but I can't find the other two (they used to be easily accessible on the web, but no more). Do you have them handy that you can send the remaining papers—fugitives and completions—to me? Also, if you had the peer-review response papers, those would be great to have as well.

Thanks so much,

Jess

Jessica Portmess, Attorney
Regulatory Enforcement Unit
Legal Enforcement Program (8ENF-L)
USEPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-7026
e:mail Portmess.Jessica@epa.gov

This email, including attachments, may contain material that is confidential, privileged, and/or attorney work product.

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Bending, Padmavati[bending.padmavati@epa.gov]; Topinka, Natalie[topinka.natalie@epa.gov]
Cc: North, Alexis[North.Alexis@epa.gov]
From: Mia, Marcia
Sent: Wed 10/25/2017 6:09:07 PM
Subject: RE: NSPS OOOOa - "certifying official"

Thank you Padmavati. I do recall that exchange on RO and CO and recall glazing over it. I should have known it would come back to haunt.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Wednesday, October 25, 2017 1:36 PM
To: Bending, Padmavati <bending.padmavati@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>
Cc: North, Alexis <North.Alexis@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Thanks so much for doing this legwork!

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Bending, Padmavati
Sent: Wednesday, October 25, 2017 1:32 PM
To: Topinka, Natalie <topinka.natalie@epa.gov>
Cc: Thompson, Lisa <Thompson.Lisa@epa.gov>; North, Alexis <North.Alexis@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Attorney Client

The 2012 final rule requires certification by a responsible official of the truth, accuracy and completeness of the annual report. Petitioners pointed out that the definition of "responsible official" is not appropriate for the oil and natural gas sector due to the large number and wide geographic distribution of the small sources

involved. Petitioners suggested that the EPA should develop a certification requirement specific to the Oil and Natural Gas Sector NSPS that would allow delegation of the authority of a responsible official to someone, such as a field or production supervisor, who has direct knowledge of the day to day operation of the facilities being certified, without requiring that such delegation be pre-approved by the permitting authority.¹²

We reexamined the definition of "responsible official" and agree with petitioners that the current language in the NSPS, specifically the requirement to seek advance approval by the permitting authority of the delegation of authority to a representative if the facility employs 250 or fewer persons, is too burdensome for the oil and natural gas sector. The oil and natural gas sector, especially the production (i.e.,

"upstream") segment, is characterized by many individually small facilities (e.g., well sites) with oversight typically by a production field office serving a large geographic area such as a basin. We believe a production supervisor or field supervisor who is in charge of a field office would be analogous to a "plant manager" in other sectors, because he or she is "responsible for the overall operation of one or more manufacturing, production, or operating facilities" (from § 60.5430, definition of "responsible official"). We believe positions such as these are much closer to the day to day operations in this sector and would be appropriate to certify as to the truth, accuracy and completeness of annual reports and compliance certifications. However, because most oil and gas production facilities are small and therefore unlikely to have more than **250** persons,

delegating the authority of responsible official to an oil and gas production supervisor or field supervisor would almost always require the permitting authority's approval.

We believe that the oil and natural gas sector is unique in that the ones with most knowledge of the facilities being certified are field or production supervisors overseeing such facilities, which are numerous across country but generally with few employees in each facility. As a result, requiring prior approval of a delegation of the authority of a responsible official because most of these facilities employ **250** persons or less is unnecessarily burdensome and may potentially affect the facilities' ability to comply with the certification requirement in the event there are delays in approvals of delegation. We therefore propose requiring advance notification instead of advance approval before such delegation becomes

effective.

Petitioners also noted that the current definition does not adequately address the complex ownership arrangements of limited partnerships. We agree with the petitioners and believe limited partnerships should be reflected in the definition along with sole proprietorships and partnerships which are currently addressed.

In light of the considerations discussed above, we are proposing to amend the definition of "responsible official" to make such delegation effective after advance notification rather than after approval. Requirements for delegation to representatives responsible for one or more facilities that employ more than **250** persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter **1980** dollars) are unchanged from the 2012 NSPS (i.e., there is no

advance notification or approval required for such delegations).

In addition, the 2012 NSPS uses the term "permitting authority" in the definition of "responsible official." The NSPS is not a permitting program, and the annual compliance certification that requires signature of the "responsible official" is a requirement of the NSPS and is not associated with a permitting program. As a result, we are proposing to replace the term "permitting authority" with "Administrator" in the definition of "responsible official" to be consistent with other notification and reporting requirements of the NSPS.

When we finalized the change to "certifying official", we said the following:

Petitioners also noted that the current definition does not adequately address the complex ownership arrangements of

limited partnerships. We agree with the
petitioners and believe limited
partnerships should be reflected in the
definition along with sole
proprietorships and partnerships which
are currently addressed.

Ex. 5 - Attorney Client

Padmavati G. Bending
Associate Regional Counsel
U.S. EPA, Region 5
Office of Regional Counsel (C-14J)
77 West Jackson Blvd.,
Chicago, IL 60604

(312) 353-8917
(312) 582-5154 (fax)

From: Topinka, Natalie
Sent: Tuesday, October 24, 2017 7:45 AM
To: Bending, Padmavati <bending.padmavati@epa.gov>
Cc: Thompson, Lisa <Thompson.Lisa@epa.gov>; North, Alexis <North.Alexis@epa.gov>; Mia,
Marcia <Mia.Marcia@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

Hi Padma,

See the thread below, originated by our friend Gary Steinbauer, now in his new role at Babst Calland.

I thought that you, with more business/accounting knowledge than the rest of us, could point us in the right direction. Do you know if this question has been answered before, or can you opine?

Thanks,

Natalie

Natalie M. Topinka

Environmental Scientist

U.S. Environmental Protection Agency, Region 5

Air Enforcement and Compliance Assurance Branch

77 West Jackson Boulevard (AE-18J)

Chicago, IL 60604

ph: (312) 886-3853

fax: (312) 692-2410

From: Thompson, Lisa

Sent: Tuesday, October 24, 2017 6:49 AM

To: North, Alexis <North.Alexis@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>

Subject: FW: NSPS OOOOa - "certifying official"

Alex / Natalie – have you ever dealt with this in your regions? I haven't heard back from Marcia yet, but I'm trying to close the loop. His question is: who is the certifying official for a limited liability company? It doesn't fit easily into 'corporation' or 'partnership'.

From: Thompson, Lisa

Sent: Thursday, October 19, 2017 5:43 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Thursday, October 19, 2017 5:04 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Cc: augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>

Subject: RE: NSPS OOOOa - "certifying official"

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Thursday, October 19, 2017 4:54 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>

Subject: RE: NSPS OOOOa - "certifying official"

Marcia,

Spoke with Gary to get some more information – I'm completely out of my element here.

Gary told me that the Limited Liability Company is a different legal entity than either a corporation or a partnership. It has features like a corporation where the owners enjoy limited liability, and features like a partnership in that they pass through taxes to the individual members.

For what it's worth, there's no partner, they have 'members', and Gary couldn't speak to any roles like President, VP, etc (he's a consultant)

It seems like rule is silent on entities like this – copying Bruce and Himanshu since this is a R3 company, and in case you had any insight.

Thanks,

Lisa

From: Mia, Marcia
Sent: Thursday, October 19, 2017 9:24 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: NSPS OOOOa - "certifying official"

He called it a company. Is it a partnership or a corporation?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Thursday, October 19, 2017 8:47 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: NSPS OOOOa - "certifying official"

Marcia –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks!

Lisa

From: Thompson, Lisa

Sent: Wednesday, October 18, 2017 9:28 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Cc: Amy Hambrick (Hambrick.Amy@epa.gov) <Hambrick.Amy@epa.gov>

Subject: FW: NSPS OOOOa - "certifying official"

Marcia / Amy B –

Thoughts on this question? Who is the certifying official for a limited liability company?

Definition of certifying official below:

Certifying official means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The Administrator is notified of such delegation of authority prior to the exercise of that authority. The Administrator reserves the right to evaluate such delegation;

(2) For a partnership (including but not limited to general partnerships, limited partnerships, and limited liability partnerships) or sole proprietorship: A general partner or the proprietor, respectively. If a general partner is a corporation, the provisions of paragraph (1) of this definition apply;

(3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(4) For affected facilities:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; or

(ii) The designated representative for any other purposes under part 60.

From: Steinbauer, Gary [<mailto:GSteinbauer@babstcalland.com>]
Sent: Wednesday, October 18, 2017 9:25 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: NSPS OOOOa - "certifying official"

Lisa:

Thank you very much for speaking with me this morning. Please let me know your thoughts on how the Agency interprets "certifying official," as defined in 40 C.F.R. 60.5430 and 5430a, when the owner or operator of an affected facility is a limited liability company.

I really appreciate your help.

Thanks,

Gary

Gary E. Steinbauer

Babst Calland

Office: 412-394-6590

Cell: 419-410-4286

gsteinbauer@babstcalland.com

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]
From: Mia, Marcia
Sent: Wed 11/16/2016 6:02:32 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Ex. 5 - Deliberative Process

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa
Sent: Wednesday, November 16, 2016 11:16 AM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Let's add this discussion in the preamble, and I'll alert OGC about this potential issue. Since this is just a proposal (and not direct final) I think we'll be okay.

From: Garwood, Gerri
Sent: Wednesday, November 16, 2016 11:05 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia is pointing out that in the RTC we said we didn't put performance testing on storage vessels because of retroactive concerns:

Therefore, EPA must remove the proposed §60.5410(h)(4) to clarify that clearly they did not intend to retroactively apply the implementation improvements related to storage vessel initial and periodic testing to storage vessel affected facilities subject to Subpart OOOO.

Response: The EPA did not finalize the proposed addition of §60.5417(h)(4) due to concerns expressed by commenters that this change could be construed to be a retroactive requirement

Ex. 5 - Deliberative Process

Gerri

919-541-2406

From: Thompson, Lisa

Sent: Wednesday, November 16, 2016 11:03 AM

To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

I'm not sure I understand the RTC issue. Should I set up a call with Elliott? Derek Mills has taken over for Amy on this package, but I'm guessing he's not familiar with this issue..

From: Garwood, Gerri

Sent: Wednesday, November 16, 2016 10:50 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

We fixed this in OOOOa by changing the text in 5412a to be consistent with the NESHAP:

(iii) You must operate at a minimum temperature of 760 °Celsius, provided the control device has demonstrated, during the performance test conducted under §60.5413a(b), that combustion zone temperature is an indicator of destruction efficiency.

Ex. 5 - Deliberative Process

I did rewrite the language in 5413 to be a little more general than 5413a. It reduces issues with cross-referencing, should something change down the road.

As for the issue with the conflicting RTC, I did think Amy was handling that. I'm not sure how we can resolve that. It may be best to run it by Elliott if Amy is not here.

Gerri

919-541-2406

From: Mia, Marcia

Sent: Wednesday, November 16, 2016 9:51 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your RI review

Gerri, let me know.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Therefore, EPA must remove the proposed §60.5410(h)(4) to clarify that clearly they did not intend to retroactively apply the implementation improvements related to storage vessel initial and periodic testing to storage vessel affected facilities subject to Subpart OOOO.

Response: The EPA did not finalize the proposed addition of §60.5417(h)(4) due to concerns expressed by commenters that this change could be construed to be a retroactive requirement

The policy for sources which startup between proposal and promulgation (which used to be the effective date before congressional review act) is that the timing goes off of the promulgation/effective date. See AD AD <https://cfpub.epa.gov/adi/pdf/adi-nsps-ns20.pdf>

“the Agency has a practice to allow such facilities...to conduct and report the results of performance

tests within 60 days from promulgation, unless maximum production rate has not been achieved.
In the

latter case, the facility must conduct and submit the results of performance tests no later than 180
days

after final promulgation.”

Should we put this in the preamble? Run by Elliott in Amy’s absence?

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Wednesday, November 16, 2016 9:19 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for
your review

Thanks Marcia. I’m happy to include this, but need to defer to you and Gerri on making sure this
is correct. Gerri – let me know what you think!

From: Mia, Marcia

Sent: Wednesday, November 16, 2016 9:12 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for
your review

Importance: High

Ex. 5 - Deliberative Process

I use 5412(a) for example, but it follows for the rest:

(a) Each control device used to meet the emission reduction standard in §60.5380(a)(1) for your centrifugal compressor affected facility must be installed according to paragraphs (a)(1) through (3) of this section. As an alternative, you may install a control device model tested under §60.5413(d), which meets the criteria in §60.5413(d)(11) and §60.5413(e).

(1) Each combustion device (e.g., thermal vapor incinerator, catalytic vapor incinerator, boiler, or process heater) must be designed and operated in accordance with one of the performance requirements specified in paragraphs (a)(1)(i) through (iv) of this section.

(i) You must reduce the mass content of VOC in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(ii) You must reduce the concentration of TOC in the exhaust gases at the outlet to the device to a level equal to or less than 275 parts per million by volume as propane on a wet basis corrected to 3 percent oxygen as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

to measure TOC (minus methane and ethane) to determine compliance with the enclosed combustion device total VOC concentration limit specified in §60.5412(a)(1)(ii) or (a)(1)(iii). You must calculate parts per million by volume concentration and correct to 3 percent oxygen, using the procedures in paragraphs (b)(4)(i) through (iii) of this section.

(iii) You must operate at a minimum temperature of 760 °C for a control device that can demonstrate a uniform combustion zone temperature during the performance test conducted under §60.5413.

Ex. 5 - Deliberative Process

(iv) If a boiler or process heater is used as the control device, then you must introduce the vent stream into the flame zone of the boiler or process heater.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

The formal package is going up on Friday – I need you to sign off on this correction to the separator onsite language tomorrow. Please suggest edits if this fix doesn't fully address your

concerns. I've attached our previous discussion of this issue that informed our original response to industry.

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Can you weigh in on this fix to 5375a(a)(1)(iii) -- You must have a separator onsite or otherwise available for use nearby at a centralized facility or well pad that services the well during the

entirety of the flowback period, except as provided in paragraphs (a)(1)(iii)(A) through (C) of this section.

There's one other item I've flagged for you in the technical corrections package – can you take a quick look at it? Note that we're trying to send up an advance package this week, and aiming for Dec/Jan signature. The rest of the package is ready for your review, but you have several more weeks!

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa
Sent: Monday, October 24, 2016 10:01 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Monday, October 24, 2016 9:54:06 AM

To: Mia, Marcia; Branning, Amy

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia —

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy

Sent: Wednesday, October 19, 2016 12:34 PM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa

Sent: Tuesday, October 18, 2016 3:44 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Ex. 5 - Attorney Client

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]
From: Mia, Marcia
Sent: Wed 11/16/2016 2:50:38 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Gerri, let me know. The text in the technical correction is actually changed to more generally refer to section (a) and (d) in 5413. Using that language, I suggested the following in the Sharepoint document.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Therefore, EPA must remove the proposed §60.5410(h)(4) to clarify that clearly they did not intend to retroactively apply the implementation improvements related to storage vessel initial and periodic testing to storage vessel affected facilities subject to Subpart OOOO.

Response: The EPA did not finalize the proposed addition of §60.5417(h)(4) due to concerns expressed by commenters that this change could be construed to be a retroactive requirement

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Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I use 5412(a) for example, but it follows for the rest:

(a) Each control device used to meet the emission reduction standard in §60.5380(a)(1) for your centrifugal compressor affected facility must be installed according to paragraphs (a)(1) through (3) of this section. As an alternative, you may install a control device model tested under §60.5413(d), which meets the criteria in §60.5413(d)(11) and §60.5413(e).

(1) Each combustion device (e.g., thermal vapor incinerator, catalytic vapor incinerator, boiler, or process heater) must be designed and operated in accordance with one of the performance requirements specified in paragraphs (a)(1)(i) through (iv) of this section.

(i) You must reduce the mass content of VOC in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

reduction performance requirement in §60.5412(a)(1)(i),(a)(1)(iii) or (a)(2), you must use Method 25A at 40 CFR part 60, appendix A-7. You must use the procedures in paragraphs (b)(3)(i) through (iv) of this section to calculate percent reduction efficiency.

(ii) You must reduce the concentration of TOC in the exhaust gases at the outlet to the device to a level equal to or less than 275 parts per million by volume as propane on a wet basis corrected to 3 percent oxygen as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(iii) You must operate at a minimum temperature of 760 °C for a control device that can demonstrate a uniform combustion zone temperature during the performance test conducted under §60.5413.

Ex. 5 - Deliberative Process

(iv) If a boiler or process heater is used as the control device, then you must introduce the vent stream into the flame zone of the boiler or process heater.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for

your review

Importance: High

Hi Marcia ---

The formal package is going up on Friday – I need you to sign off on this correction to the separator onsite language tomorrow. Please suggest edits if this fix doesn't fully address your concerns. I've attached our previous discussion of this issue that informed our original response to industry.

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Thanks,

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There's one other item I've flagged for you in the technical corrections package – can you take a quick look at it? Note that we're trying to send up an advance package this week, and aiming for Dec/Jan signature. The rest of the package is ready for your review, but you have several more weeks!

Ex. 5 - Deliberative Process

Thanks!

Lisa

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To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

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Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia —

Ex. 5 - Deliberative Process

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Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

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Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

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So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

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Sent: Wednesday, October 19, 2016 12:49:41 PM

To: Branning, Amy

Cc: Mia, Marcia

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

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Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa
Sent: Tuesday, October 18, 2016 3:44 PM
To: Branning, Amy <Branning.Amy@epa.gov>
Subject: Additional items added to the technical corrections and clarifications proposal - for your review
Importance: High

Hi Amy –

Ex. 5 - Attorney Client

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Thompson, Lisa[Thompson.Lisa@epa.gov]; Garwood, Gerri[Garwood.Gerri@epa.gov]
From: Mia, Marcia
Sent: Wed 11/16/2016 2:11:44 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

I think there is one more correction for the PT in 5413(b)(3)/5413a(b)(3) for the temperature option.

If you track the compliance requirements from 5412(a)(1)(i)-(iv) and (d)(iv)(A)-(D) and 5412a(a)(1)(i)-(iv) and (d)(iv)(A)-(D) to the corresponding test methodology in 5413/5413a, then the one for the temperature option is missing. Amy and I discussed this and she wanted to make sure we made it all correct and clear.

I use 5412(a) for example, but it follows for the rest:

(a) Each control device used to meet the emission reduction standard in §60.5380(a)(1) for your centrifugal compressor affected facility must be installed according to paragraphs (a)(1) through (3) of this section. As an alternative, you may install a control device model tested under §60.5413(d), which meets the criteria in §60.5413(d)(11) and §60.5413(e).

(1) Each combustion device (e.g., thermal vapor incinerator, catalytic vapor incinerator, boiler, or process heater) must be designed and operated in accordance with one of the performance requirements specified in paragraphs (a)(1)(i) through (iv) of this section.

(i) You must reduce the mass content of VOC in the gases vented to the device by 95.0 percent by weight or greater as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

(ii) You must reduce the concentration of TOC in the exhaust gases at the outlet to the device to

a level equal to or less than 275 parts per million by volume as propane on a wet basis corrected to 3 percent oxygen as determined in accordance with the requirements of §60.5413.

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

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Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Thompson, Lisa

Sent: Tuesday, November 15, 2016 5:41 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Marcia ---

The formal package is going up on Friday – I need you to sign off on this correction to the separator onsite language tomorrow. Please suggest edits if this fix doesn't fully address your concerns. I've attached our previous discussion of this issue that informed our original response to industry.

Ex. 5 - Deliberative Process

Thanks,

Lisa

From: Thompson, Lisa

Sent: Tuesday, November 01, 2016 5:47 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Marcia –

Can you weigh in on this fix to 5375a(a)(1)(iii) -- You must have a separator onsite or otherwise available for use nearby at a centralized facility or well pad that services the well during the entirety of the flowback period, except as provided in paragraphs (a)(1)(iii)(A) through (C) of this section.

There's one other item I've flagged for you in the technical corrections package – can you take a quick look at it? Note that we're trying to send up an advance package this week, and aiming for Dec/Jan signature. The rest of the package is ready for your review, but you have several more weeks!

Ex. 5 - Deliberative Process

Thanks!

Lisa

From: Thompson, Lisa
Sent: Monday, October 24, 2016 10:01 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, I'll work to align this with the original implementation answer – sorry that got lost!

From: Mia, Marcia
Sent: Monday, October 24, 2016 9:59 AM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks for sharing the record.

Ex. 5 - Deliberative Process

M

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa

Sent: Monday, October 24, 2016 9:54:06 AM

To: Mia, Marcia; Branning, Amy

Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Thanks Marcia –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mia, Marcia

Sent: Monday, October 24, 2016 9:35 AM

To: Thompson, Lisa <Thompson.Lisa@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>

Subject: Re: Additional items added to the technical corrections and clarifications proposal - for your review

Ok will do so.

Regarding 1 and 3 below:

Ex. 5 - Deliberative Process

So it would read:

Ex. 5 - Deliberative Process

Marcia B Mia

USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

From: Thompson, Lisa
Sent: Wednesday, October 19, 2016 12:49:41 PM
To: Branning, Amy
Cc: Mia, Marcia
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Yes, this is the running list of technical corrections, and many have been run by or generated by OECA.

Marcia – I haven't asked you yet to review the FR notice, but please feel free to review as you have time. I hope nothing on this list surprises you, and I'm happy to talk about any of the issues if you have concerns.

Ex. 5 - Attorney Client

From: Branning, Amy
Sent: Wednesday, October 19, 2016 12:34 PM
To: Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for

your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

From: Thompson, Lisa

Sent: Tuesday, October 18, 2016 3:44 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Subject: Additional items added to the technical corrections and clarifications proposal - for your review

Importance: High

Hi Amy –

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Thompson, Lisa[Thompson.Lisa@epa.gov]
From: Mia, Marcia
Sent: Wed 11/16/2016 1:18:09 PM
Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

I look at the sharepoint package?

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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USEPA

Office of Compliance

MAMPD/Air Branch

202-564-7042

Mail Code 2223A

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Subject: RE: Additional items added to the technical corrections and clarifications proposal - for your review

Lisa:

Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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To: Branning, Amy <Branning.Amy@epa.gov>

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Importance: High

Hi Amy –

Ex. 5 - Attorney Client

Thanks,

Lisa

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mia, Marcia
Location: 1-855-564-1700; 1107219; Option 2: 234567
Importance: Normal
Subject: Brainstorm Oil and Gas issues
Start Date/Time: Wed 11/22/2017 3:00:00 PM
End Date/Time: Wed 11/22/2017 4:00:00 PM
[BackgroundonIssues.docx](#)

Let's walk through the issue paper that OAQPS provided and make sure that we have identified all of the OECA issues which we want to brief up.

M

From: Hambrick, Amy

Location: Ex. 6 - Personal Privacy

Line/RTP-OAQPS-BLDG-C

Importance: Normal

Subject: Fw: Confirmed w UPDATED AGENDA: In person meeting w/ Schlumberger

Start Date/Time: Tue 8/9/2016 2:00:00 PM

End Date/Time: Tue 8/9/2016 4:00:00 PM

Questions for EPA Meeting Aug 8 DRAFT NOT FOR RELEASE.docx

.....
>>>>>

Kathryn Pirrotta Caballero

Attorney-Advisor

U.S. EPA Office of Civil Enforcement

Washington D.C.

(w) 202-564-1849

From: Hambrick, Amy

Sent: Monday, August 8, 2016 4:34 PM

To: Moore, Bruce; DeFigueiredo, Mark; Cozzie, David; Thompson, Lisa; Howard, Jodi; Mia, Marcia; Witt, Jon; Witosky, Matthew; Lassiter, Penny; Shine, Brenda; Carey, Angela; Spells, Charlene; Weitz, Melissa; Waltzer, Suzanne; Dewees, Jason; David Hendricks

Cc: Garwood, Gerri; Caballero, Kathryn; Sullivan, Tim

Subject: Confirmed w UPDATED AGENDA: In person meeting w/ Schlumberger

When: Tuesday, August 9, 2016 10:00 AM-12:00 PM.

Where: RTP-E101-Max40/RTP-Bldg-E; RTP-OAQPS; Ex. 6 - Personal Privacy

ATTACHED AGENDA QUESTIONS THEY SUBMITTED AND OUR DRAFT ANSWERS

From: Eric Washburn [mailto:Ex. 6 - Personal Privacy@gmail.com]

Sent: Thursday, August 04, 2016 1:49 PM

To: Hambrick, Amy <Hambrick.Amy@epa.gov>

Cc: Eric Washburn <Eric.Washburn@windwardstrategies.net>

Subject: Schlumberger/EPA meeting - Attendees and Questions

Amy,

The meeting has gotten so popular that a number of other Schlumberger employees have asked to attend. I hope this won't be a problem for you.

Below is a list of those folks and driver license details as well as topics to cover.

Attendees:

- Drew Pomerantz, Program Manager, Schlumberger Research Center (State ID: MA)
- Robert Kleinberg, Fellow, Schlumberger Research Center (State ID: MA)
- Samantha Cready, Sustainability Specialist (State ID: PA)

- Judy Carley, Manager, North America Environment & Regulatory Affairs (State ID: TX)
- Ron Manson, Fellow, Valves & Measurements, Cameron (State ID: TX)
- Christina Karapataki, Venture Principal, Early Stage Technology Investments (State ID: TX)

We would like to keep the focus of the discussion on the LDAR process for fugitive emissions:

Key Objectives:

- **Get a better understanding of how EPA expects the Rule to be implemented by the industry**
- **Obtain information on the approved technologies and what new technology methods may be approved in the future**
- **Understand how the EPA plans to monitor and enforce LDAR plans**

Attached is a list of questions that can be used as guidelines for the discussion. We will also plan on giving a short overview at the beginning of the meeting about Schlumberger and our research activities in the area of spectroscopy as it relates to gas monitoring.

Please let me know if you need something else. My driver license is issued in Colorado, where I live.

Finally, do you have a list of EPA folks attending?

Thanks again. Best regards,

Eric

From: Caballero, Kathryn
Location: RTP-E101-Max40/RTP-Bldg-E; RTP-OAQPS; Ex. 6 - Personal Privacy
Line/RTP-OAQPS-BLDG-C
Importance: Normal
Subject: Fw: Confirmed w UPDATED AGENDA: In person meeting w/ Schlumberger
Start Date/Time: Tue 8/9/2016 2:00:00 PM
End Date/Time: Tue 8/9/2016 4:00:00 PM
Questions for EPA Meeting Aug 8 DRAFT NOT FOR RELEASE.docx

.....
>>>>>

Kathryn Pirrotta Caballero

Attorney-Advisor

U.S. EPA Office of Civil Enforcement

Washington D.C.

(w) 202-564-1849

From: Hambrick, Amy
Sent: Monday, August 8, 2016 4:34 PM
To: Moore, Bruce; DeFigueiredo, Mark; Cozzie, David; Thompson, Lisa; Howard, Jodi; Mia, Marcia; Witt, Jon; Witosky, Matthew; Lassiter, Penny; Shine, Brenda; Carey, Angela; Spells, Charlene; Weitz, Melissa; Waltzer, Suzanne; Dewees, Jason; David Hendricks
Cc: Garwood, Gerri; Caballero, Kathryn; Sullivan, Tim
Subject: Confirmed w UPDATED AGENDA: In person meeting w/ Schlumberger
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To: Sullivan, Tim[Sullivan.Tim@epa.gov]
From: Caballero, Kathryn
Sent: Mon 8/8/2016 8:35:47 PM
Subject: Fw: Moore edits to responses to Schlumberger Questions for EPA Meeting Aug 8 v2.docx
Questions for EPA Meeting Aug 8 v2 BM edits 8-5.docx

Kathryn Pirrotta Caballero

Attorney-Advisor

U.S. EPA Office of Civil Enforcement

Washington D.C.

(w) 202-564-1849

From: Moore, Bruce
Sent: Friday, August 5, 2016 3:44 PM
To: Hambrick, Amy
Cc: Thompson, Lisa; Cozzie, David; Howard, Jodi; Witosky, Matthew; Witt, Jon; Garwood, Gerri; Mia, Marcia; Caballero, Kathryn; Dewees, Jason
Subject: FW: Moore edits to responses to Schlumberger Questions for EPA Meeting Aug 8 v2.docx

Attached is my markup of the Q/A provided by Jodi, Gerri, Jason and Kathryn.

Ignore my comment about contacting them on Monday about asking specific rule questions. I forgot it was Monday they are here...

B

Bruce Moore

Senior Technical Advisor - Oil & Natural Gas Sector

Office of Air and Radiation

Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

(919) 541-5460

moore.bruce@epa.gov

For information, visit: www3.epa.gov/airquality/oilandgas

From: Howard, Jodi

Sent: Friday, August 05, 2016 1:49 PM

To: Moore, Bruce <Moore.Bruce@epa.gov>

Subject: FW: Questions for EPA Meeting Aug 8 v2.docx

From: Howard, Jodi

Sent: Friday, August 05, 2016 8:22 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>

Cc: Witt, Jon <Witt.Jon@epa.gov>; DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>

Subject: Questions for EPA Meeting Aug 8 v2.docx

This version of the questions from Schlumberger includes responses from Gerri, Jason, Jodi and Kathryn.

Thanks.

To: Sullivan, Tim[Sullivan.Tim@epa.gov]
From: Caballero, Kathryn
Sent: Mon 8/8/2016 8:35:11 PM
Subject: Fw: Moore edits to responses to Schlumberger Questions for EPA Meeting Aug 8 v2.docx
Questions for EPA Meeting Aug 8 v2 JW edits 8-8.docx

Kathryn Pirrotta Caballero

Attorney-Advisor

U.S. EPA Office of Civil Enforcement

Washington D.C.

(w) 202-564-1849

From: Witt, Jon
Sent: Monday, August 8, 2016 9:14 AM
To: Moore, Bruce; Hambrick, Amy
Cc: Thompson, Lisa; Cozzie, David; Howard, Jodi; Witosky, Matthew; Garwood, Gerri; Mia, Marcia; Caballero, Kathryn; Dewees, Jason
Subject: RE: Moore edits to responses to Schlumberger Questions for EPA Meeting Aug 8 v2.docx

Added comments on ICR.

Jonathan

From: Moore, Bruce
Sent: Friday, August 05, 2016 3:45 PM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>
Cc: Thompson, Lisa <Thompson.Lisa@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Howard, Jodi <Howard.Jodi@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Dewees, Jason <Dewees.Jason@epa.gov>
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Thompson, Lisa <Thompson.Lisa@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>
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From: Caballero, Kathryn
Sent: Mon 8/8/2016 11:43:52 AM
Subject: Fw: Moore edits to responses to Schlumberger Questions for EPA Meeting Aug 8 v2.docx
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Washington D.C.

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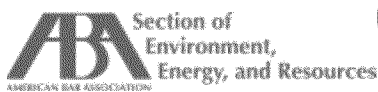
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To: ENVIRON-AIRQUALITY@MAIL.AMERICANBAR.ORG[ENVIRON-AIRQUALITY@MAIL.AMERICANBAR.ORG]
From: Air Quality Committee members
Sent: Tue 7/4/2017 2:49:12 PM
Subject: ABA SEER Air Quality Committee Update
[Clean Air Council v Pruitt .pdf](#)
[Clean Air Council v Pruitt industry reply.pdf](#)
[Clean Air Council v Pruitt epa response to motion for stay.pdf](#)



Section of Environment, Energy, and Resources

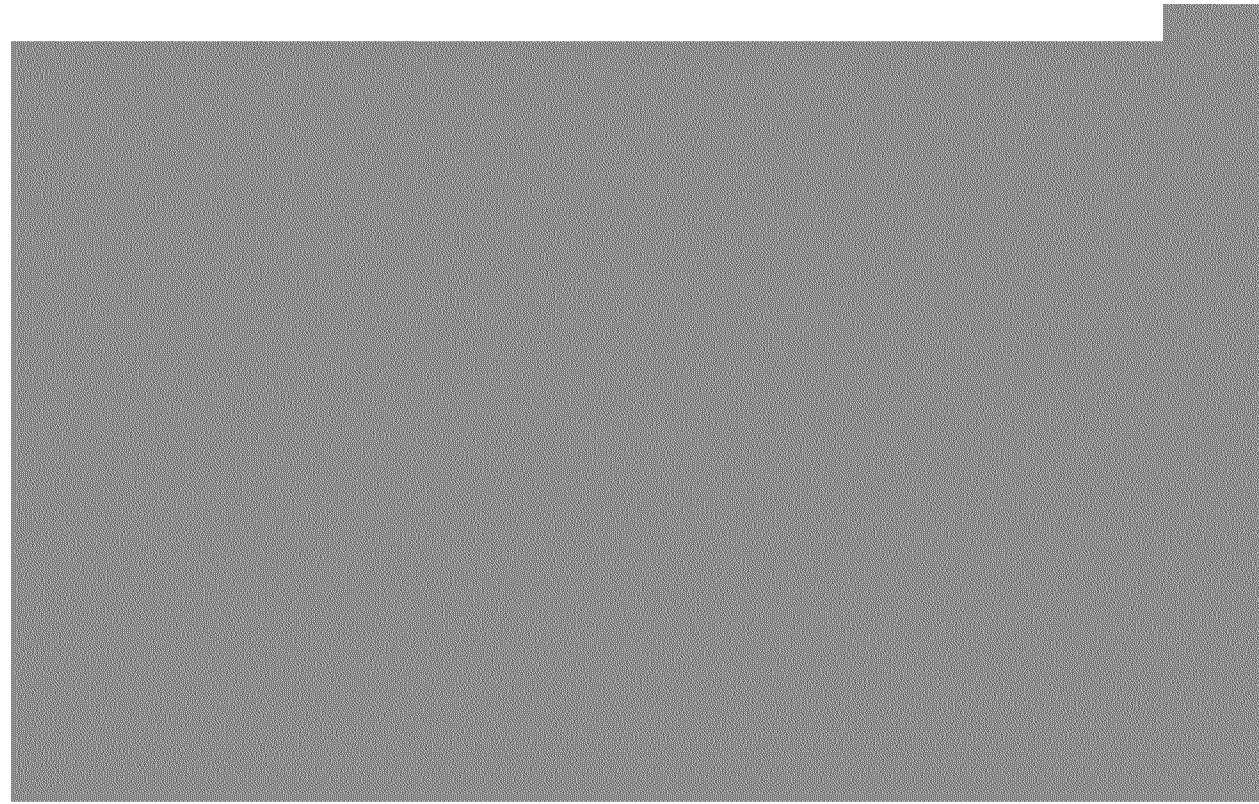
Air Quality Committee Update

Dear Air Quality Committee Members:

We have attached the July 3, 2017 decision by the U.S. Court of Appeals for the D. C. Circuit in the **Clean Air Council v. Pruitt** case, where the court concluded that EPA's stay of the June 2016 final rule setting new source performance standards for fugitive emissions of methane and other air pollutants by the oil and gas industry (40 CFR Part 60, Subpart OOOOa) was in excess of the EPA's statutory authority. In the dissenting opinion, Judge Brown argued the court did not have jurisdiction to hear the matter. We have also attached EPA's and the Industry Intervenors' briefs. These filings and others related to this case will be posted to the Air Quality Committee Website.

Happy 4th of July to all,

Lauran M. Sturm (Lauran.sturm@tn.gov) and Elizabeth A. Hurst (elizahurst@aol.com), Co-Chairs



Thank you for your continued interest in this list. A summary of your discussion list subscriptions, including ENVIRON-AIRQUALITY, can be found at <https://shop.americanbar.org/ebus/myABA/CommunicationPreferences.aspx> . This new List Subscription Page allows you to manage your lists - unsubscribe from existing or join others.

If you have any issues you may either contact the list owner via email: ENVIRON-AIRQUALITY-request@mail.americanbar.org , or the ABA Service Center at phone: 1-800-285-2221 or email: service@americanbar.org .

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